

ORDINANCE No. 2001-15

ORDINANCE of THE CITY OF LAMBERTVILLE,  
in the COUNTY OF HUNTERDON,  
STATE OF NEW JERSEY

AN ORDINANCE AMENDING THE CITY OF LAMBERTVILLE ZONING  
ORDINANCE OF 1971, AS AMENDED, ENTITLED:

"OPTION 1 OVERLAY DISTRICT AND OPTION 2 OVERLAY DISTRICT"

AN ORDINANCE TO LIMIT AND RESTRICT TO SPECIFIED DISTRICTS OR  
ZONES, AND TO REGULATE THEREIN, BUILDINGS AND STRUCTURES ACCORDING  
TO THEIR CONSTRUCTION AND THE NATURE AND EXTENT OF THEIR USE, AND  
THE NATURE AND EXTENT OF THE USE OF LAND IN THE CITY OF LAMBERTVILLE  
IN THE COUNTY OF HUNTERDON AND PROVIDING FOR THE ADMINISTRATION  
AND ENFORCEMENT OF THE PROVISIONS HEREIN CONTAINED AND FIXING  
PENALTIES FOR THE VIOLATIONS THEREOF.

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WHEREAS, the City Council of the City of Lambertville, a municipal corporation in the  
County of Hunterdon, State of New Jersey, finds that the public health, safety, morals, and  
general welfare of the community shall be promoted by the revision and amendment of the  
zoning regulations of the City to implement said settlement agreement; and

WHEREAS, the Planning Board of the City of Lambertville has adopted a Master Plan  
providing for the appropriate use and development of lands in the City in a manner which will  
promote the public health, safety, morals, and general welfare; and

WHEREAS, the Planning Board of the City of Lambertville, as party to the Settlement  
Agreement, has reviewed said ordinance amendments and has found them substantially  
consistent with the adopted Master Plan pursuant to *N.J.S.A. 40:55D-62a*; and

WHEREAS, the Planning Board has favorably recommended to the City Council  
adoption of said revisions pursuant to Resolution No. \_\_-2001, dated \_\_\_\_\_, 2001.

NOW, THEREFORE, BE IT ENACTED and ORDAINED by the City Council of the  
City of Lambertville, in the County of Hunterdon as follows:

Section 1. Zoning Districts, of the Zoning Ordinance of the City of Lambertville is hereby  
~~AMENDED~~ by ADDING the following additional Overlay Zoning Districts:

§ 300. Zoning Districts.

For the purposes of this Ordinance, the City of Lambertville is hereby divided into  
the following zoning districts:

<u>Symbol</u>	<u>Zone</u>
R-C	Residential Conservation
R-L	Residential Low Density
R-1	Residential 1
R-2	Residential 2
R-3	Townhouse Residential
CBD	Central Business District
C-2	Service Commercial
C-3	General Commercial
▨	Residential Overlay Option 1 or 2

Section 2. Zoning Map, of the Zoning Ordinance of the City of Lambertville is hereby AMENDED by DATE, as follows:

§ 301. Zoning Map. The boundaries of these districts are hereby established as shown on the map entitled, "Lambertville Zoning Map," dated February 20, 2001 and as it may be amended pursuant to law.

§ 402. **Residential Low Density (R-L) District**

402.2 PERMITTED USES. In the Residential Low Density zone, no lot shall be used and no structure shall be erected, altered or occupied for any purpose except the following:

A-F. [No Change]

G. Residential Option 1 Overlay District. Within those lands marked as Residential Option 1 Overlay District on the Zoning Map, an application for development may be submitted under the regulations of this subsection. The intent of this optional district is to create an architecturally diverse urban neighborhood in an open space setting. Such development shall be subject only to the specific provisions set forth herein and shall not be subject to other provisions of this Ordinance except as specifically referenced herein:

1. Additional permitted uses. In addition to the uses otherwise permitted in the R-L District, the following additional uses shall be permitted:
  - a. Semi-detached dwellings.
  - b. Townhouse dwellings.
2. Restriction on conditional uses. No development utilizing the provisions of the Residential Option 1 Overlay District shall include any conditional use permitted in §402.4.

3. General Regulations. The following general regulations shall apply to any Residential Option 1 Overlay District development:

- a. Minimum tract size: 45 acres
- b. Maximum density: 2.32 units per gross pre-development acre
- c. Minimum tract frontage: 500 feet
- d. Minimum open space: 45% of total tract area
- e. Minimum tract perimeter setbacks for buildings, above-ground structures and parking areas from tract boundary line:
  - (1) Building and above ground structures: 50 feet side and rear property lines; 200 feet from existing streets
  - (2) Entrance structures: 10 feet
  - (3) Parking lot setback: 25 feet
- f. Buildings shall be separated the following minimum distances measured from their closest points:
  - (1) Front of building to another building: 50 feet
  - (2) Side of building to another building: 30 feet
  - (3) Rear of building to another building: 40 feet
  - (4) Accessory buildings shall not be located within 25 feet of another building, excepting private garages.
- g. Units in structure. No more than six dwelling units shall be permitted in any one structure.
- h. All development shall be served by public water and public sanitary sewer.

~~4. Area, Yard, Height and Coverage Requirements. The following regulations shall apply to each lot in the Residential Option 1 Overlay District:~~

Use	Single Family Semi-Detached Dwelling	Townhouse Dwelling
Minimum lot size	2,250 sf.	2,250 sf.
Minimum lot frontage	30 ft.	30 ft.
Minimum lot width at the building line	30 ft.	30 ft.
Maximum building coverage	55%	60%
Maximum lot coverage	75%	80%
<b>Principal Building Minimum Yard Depths and Height Limitations</b>		
Front Yard	20 ft.	20 ft.
Side Yard	0 ft., common wall; 10 ft. otherwise	0 ft., common wall; 10 ft. otherwise
Rear Yard	15 ft.	15 ft.
Maximum Height	35 ft. or 2 ½ stories, whichever is less	35 ft. or 2 ½ stories, whichever is less
<b>Accessory Building Minimum Yard Depths and Height Limitations <sup>(1)</sup></b>		
Front Yard	N.P.	N.P.
Side Yard	3 ft.	3 ft.
Rear Yard	3 ft.	3 ft.
Maximum Height	12 ft.	12 ft.

(1) - Applies to accessory buildings associated with individual dwellings on fee simple lots.  
N.P. = Not a permitted location.

5. Additional Requirements. The following additional requirements shall apply to Residential Option 1 Overlay District developments:

- a. Each dwelling shall have a private rear yard of 200 square feet minimum.
- b. A minimum of 200 square feet of storage shall be provided in the basement, attic or other attached area for each dwelling exclusive of bedroom closet space.
- c. Decks shall conform to the requirements of §405.6.E, except that no privacy screen shall be required. No second floor or higher deck shall be permitted unless the rear yard abuts the tract perimeter or common open space.
- d. Landscaping design intent. Landscaping for Residential Option 1 Overlay District developments is intended to create [an urban streetscape with street tree plantings and a delineation between the public rights of way and private yards] a transition between an urban streetscape and a natural, wooded landscape. To accomplish this, the following should be adhered to:

An urban streetscape shall include street tree plantings and a delineation between the public rights of way and private yards. Delineation may include landscaping, walls or fences consistent with this design intent. Additionally, foundation planting plans, ornamental trees for each individual unit, naturalized planting of storm water management areas, and enhanced landscaping around any amenity features, such as entries or community-wide accessory structures, [such] shall be included in the design of the overall landscape plan.

The landscaping plan shall also be sensitive to the woodland setting in which new development occurs. The standards offered below shall therefore be followed to the extent reasonably possible:

- Landscaping shall be provided to soften the visual impact of the buildings. Landscape buffers, including evergreen trees, shall be planted to minimize views of rear yards from Route 29.
- All plants shall be tolerant of specific site conditions. The use of indigenous species is strongly encouraged. Exotic, non-native invasive plant species is strongly discouraged.

- e. Additional landscaping requirements. No other Ordinance provisions relating to landscaping shall apply under Residential Option 1 Overlay District except for the recommended plants and plant material specifications of §510.3 through §510.7.

6. Lighting shall conform to the requirements of §511.1 and §511.2.

7. Permitted increases in slope disturbance:

- a. Given the increase in open space required for the Residential Option 1 Overlay District, and in consideration thereof, the maximum permitted disturbance of steep slopes shall be as follows:

<u>Extent of Slope</u>	<u>Maximum Extent of Disturbance of Sloped Area</u>
0 - 15%	No limit
15.1 - 20%	35%*
20.1 - 30%	25%
30.1%+	5%

\* may be increased to 40% as of right to permit conformance with the storm water management standards of the Residential Site Improvement Standards, N.J.A.C. 5:21-7.

Slope disturbance calculations submitted by the applicant may exclude disturbance necessitated by the construction or reconstruction of minor collector streets.

- b. Notwithstanding the steep slope limitations set forth in §402.G.7.a. above, to the extent that an application for development exceeds the standards of the Residential Site Improvement Standards pursuant to N.J.A.C. 5:21-3.6 for storm water management (N.J.A.C. 5:21-7), the steep slope standards in §402.G.7.a. above shall be relaxed to the minimum extent necessary to allow such exceedance from the storm water management standards of the Residential Site Improvement Standards.

8. Open space use. No recreation facilities or structures shall be required to be provided under the Residential Option 1 Overlay District, however nothing shall be construed as to prevent an application to the Board of Jurisdiction for use of common open space for conservation or passive recreation uses.

9. Limit of disturbance and tree protection. A limit of disturbance line shall be delineated on the steep slope analysis submitted in accordance with §519.3.A. Trees outside of the limit of disturbance shall be preserved. Trees to be retained within the limit of disturbance line shall be protected from injury in accordance with §510.12.B.

H. Residential Option 2 Overlay District. Within those lands marked as Residential Option 2 Overlay District on the Zoning Map, an application for development may be submitted under the regulations of this subsection. The intent of this

optional district is to create a clustered single family detached neighborhood in an open space setting.

1. **General Regulations.** The following general regulations shall apply to any Residential Option 2 Overlay District development.
  - a. Minimum tract size: 20 acres
  - b. Maximum density: 2.26 units per gross acre
  - c. Minimum tract frontage: 300 feet
  - d. Minimum open space: 30% of total tract area
  - e. Minimum open space street frontage: 100 feet
  - f. All development shall be served by public water and public sanitary sewer.
2. **Restriction on conditional uses.** Only those conditional uses allowed in §402.4.A. and §402.4.C, on lots at least 7,500 sf. in area, shall be permitted for any development utilizing the provisions of the Residential Option 2 Overlay District.
3. **Area, yard, height and coverage requirements.** The area, yard, height and coverage requirements for single family detached residences in the R-1 district shall apply to each residential lot in the Residential Option 2 Overlay District.
4. All other regulations not modified herein shall apply to any Residential Option 2 Overlay development.

**Section 3. Zoning Map.** The revised Zoning Map referenced above in §301 is attached hereto as Exhibit "A" and adopted as the official Zoning Map for the City of Lambertville.

**Section 4. Severability.** If any portion of this Ordinance is for any reason held to be unconstitutional or invalid by a court of competent jurisdiction, such decision shall not affect the validity of the Zoning Ordinance as a whole, or any other part thereof.

**Section 5. Interpretation.** If the terms of this Ordinance shall be in conflict with those of another Ordinance of the City of Lambertville, then the restriction which imposes the greater limitation shall be enforced.

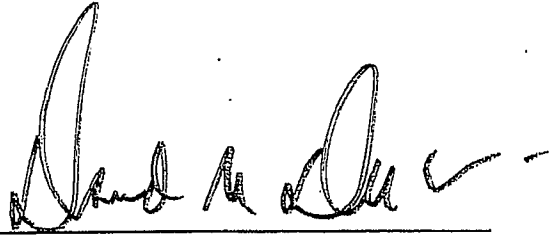
**Section 6. Repealer.** All ordinances or parts of ordinances which are inconsistent with the provisions of this Ordinance are hereby repealed to the extent of such inconsistency only.

**Section 7. Enactment.** This Ordinance shall take effect upon the filing thereof with the

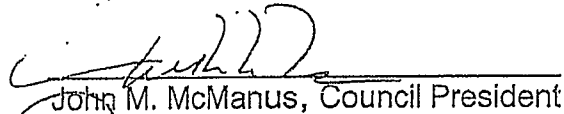
Hunterdon County Planning Board after final passage, adoption and publication by the City Clerk of the City of Lambertville in the manner prescribed by law.

INTRODUCED: April 16, 2001

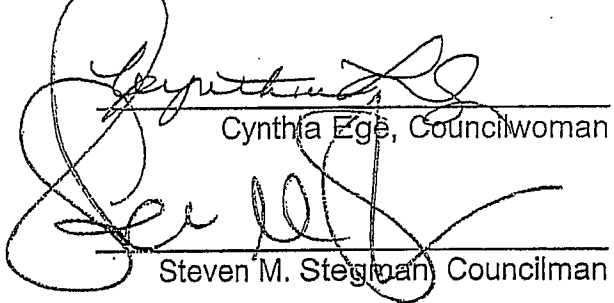
ADOPTED: May 21, 2001



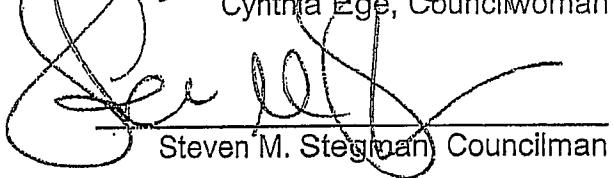
David M. DeVecchio, Mayor



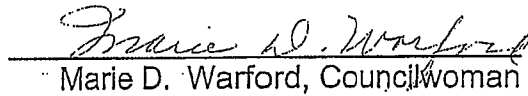
John M. McManus, Council President



Cynthia Ege, Councilwoman

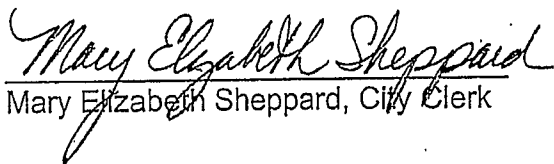


Steven M. Stegman, Councilman



Marie D. Warford, Councilwoman











ATTEST:

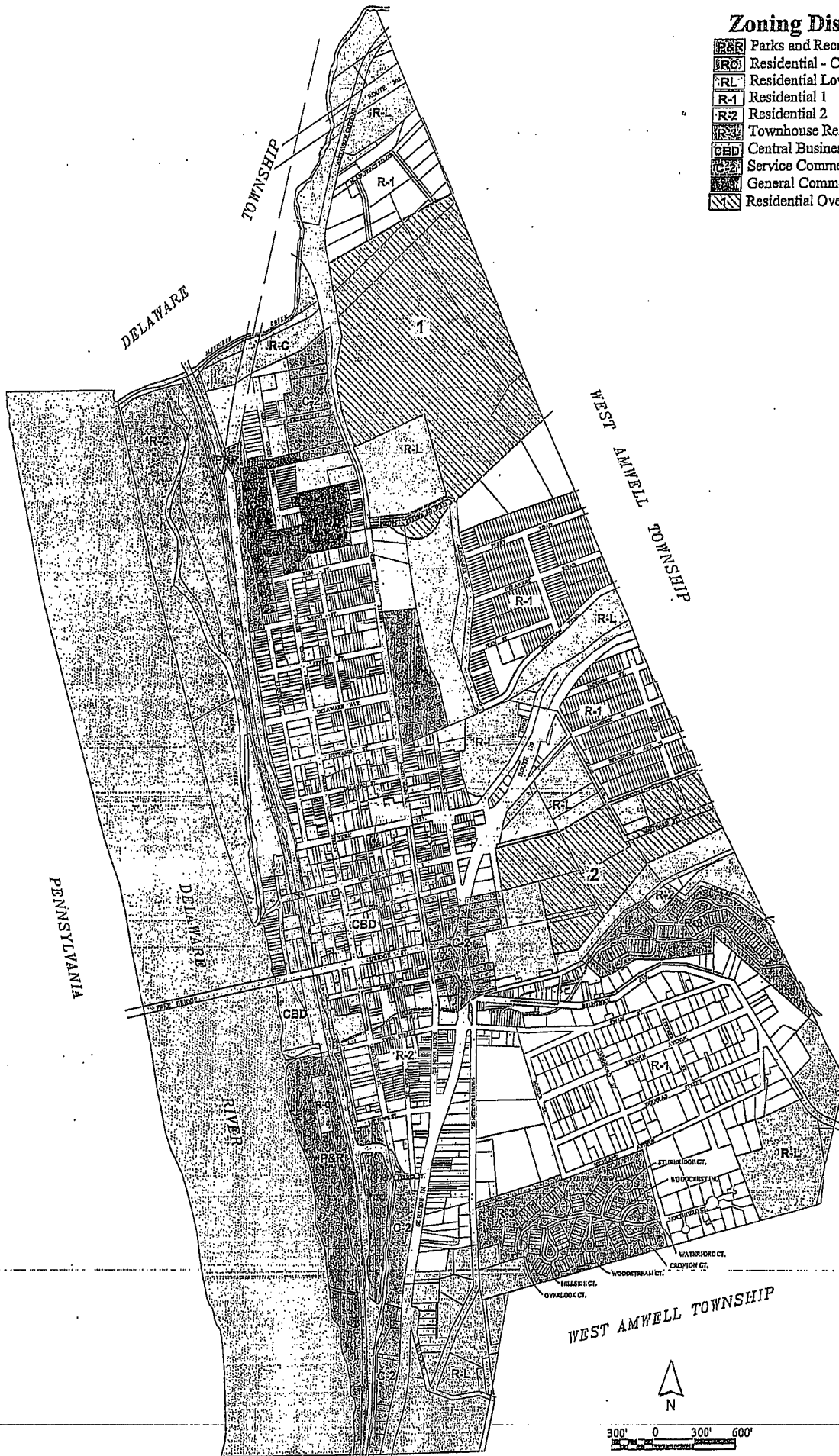


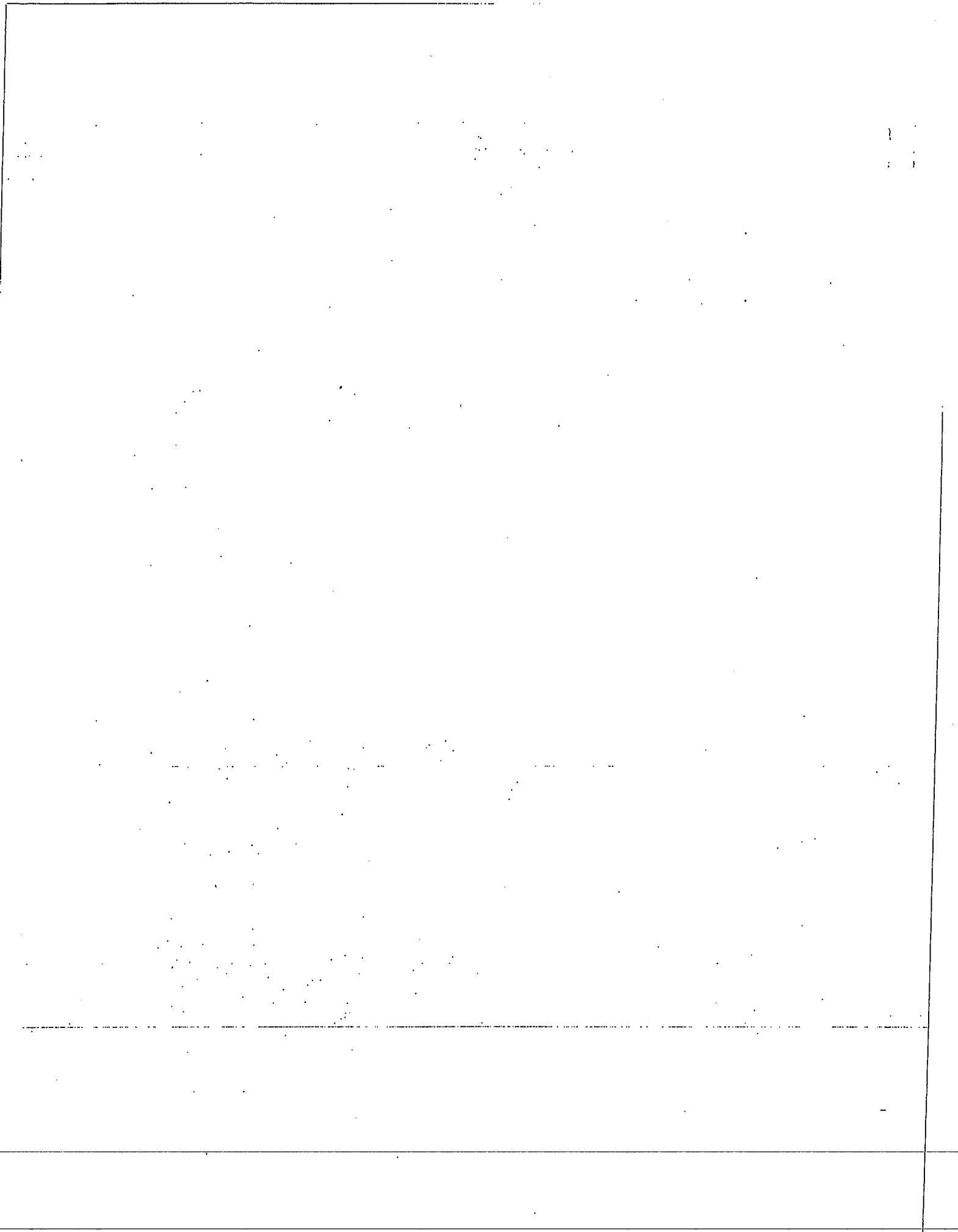
Mary Elizabeth Sheppard, City Clerk



### Zoning Districts

-  Parks and Recreation
-  Residential - Conservation
-  Residential Low Density
-  Residential 1
-  Residential 2
-  Townhouse Residential
-  Central Business District
-  Service Commercial
-  General Commercial
-  Residential Overlay Option





# AFFIDAVIT OF PUBLICATION NOTICE OF PUBLIC HEARING ORDINANCE 2001-15

## PUBLIC NOTICES

CITY OF LAMBERTVILLE  
NOTICE OF PUBLIC HEARING  
ORDINANCE 2001-15  
AN ORDINANCE AMENDING THE CITY OF LAMBERTVILLE ZONING  
ORDINANCE OF 1971, AS AMENDED, ENTITLED:  
"OPTION 1 OVERLAY DISTRICT AND OPTION 2 OVERLAY  
DISTRICT"

AN ORDINANCE TO LIMIT AND RESTRICT TO SPECIFIED DISTRICTS OR ZONES; AND TO REGULATE THEREIN, BUILDINGS AND STRUCTURES ACCORDING TO THEIR CONSTRUCTION AND THE NATURE AND EXTENT OF THEIR USE, AND THE NATURE AND EXTENT OF THE USE OF LAND IN THE CITY OF LAMBERTVILLE IN THE COUNTY OF HUNTERDON AND PROVIDING FOR THE ADMINISTRATION AND ENFORCEMENT OF THE PROVISIONS HEREIN CONTAINED AND FIXING PENALTIES FOR THE VIOLATIONS THEREOF.

WHEREAS, the City Council of the City of Lambertville, a municipal corporation in the County of Hunterdon, State of New Jersey, finds that the public health, safety, morals, and general welfare of the community shall be promoted by the revision and amendment of the zoning regulations of the City to implement said settlement agreement; and

WHEREAS, the Planning Board of the City of Lambertville has adopted a Master Plan providing for the appropriate use and development of lands in the City in a manner which will promote the public health, safety, morals, and general welfare; and

WHEREAS, the Planning Board of the City of Lambertville, as party to the Settlement Agreement, has reviewed said ordinance amendments and has found them substantially consistent with the adopted Master Plan pursuant to N.J.S.A. 40:55D-82a; and

WHEREAS, the Planning Board has favorably recommended to the City Council adoption of said revisions pursuant to Resolution dated 10 April, 2001.

NOW, THEREFORE, BE IT ENACTED AND ORDAINED by the City Council of the City of Lambertville, in the County of Hunterdon as follows:

Section 1. Zoning Districts, of the Zoning Ordinance of the City of Lambertville is hereby AMENDED by ADDING the following additional Overlay Zoning Districts:

§ 300. Zoning Districts.

For the purposes of this Ordinance, the City of Lambertville is hereby divided into the following zoning districts:

Symbol	Zone
R-C	Residential Conservation
R-L	Residential Low Density
R-1	Residential 1
R-2	Residential 2
R-3	Townhouse Residential
CBD	Central Business District
C-2	Service Commercial
C-3	General Commercial

(//) Residential Overlay Option 1 or 2

Section 2. Zoning Map, of the Zoning Ordinance of the City of Lambertville is hereby AMENDED by DATE as follows:

§ 301. Zoning Map. The boundaries of these districts are hereby established as shown on the map entitled, "Lambertville Zoning Map," dated February 20, 2001 and as it may be amended pursuant to law.

§ 402. Residential Low Density (R-L) District

402.2 PERMITTED USES. In the Residential Low Density zone no lot shall be used and no structure shall be erected, altered or occupied for any purpose except the following:

A-F (No Change)

G. Residential Option 1 Overlay District. Within those lands marked as Residential Option 1 Overlay District on the Zoning Map, an application for development may be submitted under the regulations of this subsection. The intent of this optional district is to create an architecturally diverse urban neighborhood in an open space setting. Such development shall be subject only to the specific provisions set forth herein and shall not be subject to other provisions of this Ordinance except as specifically referenced herein:

1. Additional permitted uses. In addition to the uses otherwise permitted in the R-L District, the following additional uses shall be permitted:

a. Semi-detached dwellings.

b. Townhouse dwellings.

2. Restriction on conditional uses. No development utilizing the provisions of the Residential Option 1 Overlay District shall include any conditional use permitted in §402.A.

3. General Regulations. The following general regulations shall apply to any Residential Option 1 Overlay District development:

- a. Minimum tract size: 45 acres
- b. Maximum density: 2.32 units per gross pre-development acre
- c. Minimum tract frontage: 500 feet
- d. Minimum open space: 45% of total tract area
- e. Minimum tract perimeter setbacks for buildings, above-ground structures and parking areas from tract boundary line:
  - (1) Building and above ground structures: 50 feet side and rear property lines; 200 feet from existing streets
  - (2) Entrance structures: 10 feet
  - (3) Parking lot setback: 25 feet
- f. Buildings shall be separated the following minimum distances measured from their closest points:
  - (1) Front of building to another building: 50 feet
  - (2) Side of building to another building: 30 feet
  - (3) Rear of building to another building: 40 feet
  - (4) Accessory buildings shall not be located within 25 feet of another building, excepting private garages.
- g. Units in structure. No more than six dwelling units shall be permitted in any one structure.
- h. All development shall be served by public water and public sanitary sewer.

4. Area, Yard, Height and Coverage Requirements. The following regulations shall apply to each lot in the Residential Option 1 Overlay District:

Use	Single Family Semi-Detached Dwelling	Townhouse Dwelling
Minimum lot size	2,250 sq. ft.	2,250 sq. ft.
Minimum lot frontage	30 ft.	30 ft.
Minimum lot width at the building line	30 ft.	30 ft.
Maximum building coverage	55%	60%
Maximum lot coverage	75%	80%

Principal Building Minimum Yard Depths and Height Limitations

Front Yard	20 ft.	20 ft.
Side Yard	0 ft., common wall; 10 ft. otherwise	0 ft., common wall; 10 ft. otherwise
Rear Yard	15 ft.	15 ft.

Maximum Height: 35 ft. or 2 1/2 stories, whichever is less; 35 ft. or 2 1/2 stories, whichever is less

Accessory Building Minimum Yard Depths and Height Limitations(1)

Front Yard	N.P.	N.P.
Side Yard	3 ft.	3 ft.
Rear Yard	3 ft.	3 ft.
Maximum Height	12 ft.	12 ft.

(1). Applies to accessory building associated with individual dwellings on fee simple lots.

N.P. = Not a permitted location.

5. Additional Requirements. The following additional requirements shall apply to Residential Option 1 Overlay District developments:

- a. Each dwelling shall have a private rear yard of 200 square feet minimum.
- b. A minimum of 200 square feet of storage shall be provided in the basement, attic or other attached area for each dwelling exclusive of bedroom closet space.
- c. Decks shall conform to the requirements of §405.6.E, except that no privacy screen shall be required. No second floor or higher deck shall be permitted unless the rear yard abuts the tract perimeter or common open space.
- d. Landscaping design intent. Landscaping for Residential Option 1 Overlay District developments is intended to create an urban streetscape with street tree plantings and a delineation between the public rights of way and private yards (a transition between an urban streetscape and a natural, wooded landscape. To accomplish this, the following should be adhered to:

An urban streetscape shall include street tree plantings and a delineation between the public rights of way and private yards. Delineation may include landscaping, walls for fences consistent with this design intent. Additionally, foundation planting plans, ornamental trees for each individual unit, naturalized planting of stormwater management areas, and enhanced landscaping around any amenity features, such as entries or community-wide accessory structures, [such] shall be included in the design of the overall landscape plan. The landscaping plan shall also be sensitive to the woodland setting in which new development occurs. The standards outlined below shall therefore be followed to the extent reasonably possible:

Pursuant to N.J.S.A. 55D:1 et seq., I hereby certify that Notice of the Public Hearing on Ordinance 2001-15 was published in the April 26, 2001 issue of The Beacon as evidenced by the copy above.

*Mary Elizabeth Sheppard*  
Mary Elizabeth Sheppard  
City Clerk

\* Landscaping shall be provided to soften the visual impact of the buildings. Landscape buffers, including evergreen trees, shall be planted to minimize views of rear yards from Route 29.

\* All plants shall be tolerant of specific site conditions. The use of indigenous species is strongly encouraged. Exotic, non-native invasive plant species is strongly discouraged.

\* Additional landscaping requirements. No other Ordinance provisions relating to landscaping shall apply under Residential Option 1 Overlay District except for the recommended plants and plant material specifications of §510.3 through §510.7.

6 Lighting shall conform to the requirements of §511.1 and §511.2.

7 Permitted increases in slope disturbance:

1 Given the increase in open space required for the Residential Option 1 Overlay District, and in consideration thereof, the maximum permitted disturbance of steep slopes shall be as follows:

Extent of Slope	Maximum Extent of Disturbance of Sloped Area
0-15%	No limit
15.1 - 20%	35%*
20.1 - 30%	25%
30.1%+	5%

\* may be increased to 40% as of right to permit conformance with the storm water management standards of the Residential Site Improvement Standards, N.J.A.C. 5:21-7.

Slope disturbance calculations submitted by the applicant may exclude disturbance necessitated by the construction or reconstruction of minor collector streets.

b. Notwithstanding the steep slope limitations set forth in §402.G.7.a above, to the extent that an application for development exceeds the standards of the Residential Site Improvement Standards pursuant to N.J.A.C. 5:21-3.6 for storm water management (N.J.A.C. 5:21-7), the steep slope standards in §402.G.7.a. above shall be relaxed to the minimum extent necessary to allow such exceedance from the storm water management standards of the Residential Site Improvement Standards.

8 Open space use. No recreation facilities or structures shall be required to be provided under the Residential Option 1 Overlay District, however nothing shall be construed as to prevent an application to the Board of Jurisdiction for use of common open space for conservation or passive recreation uses.

9. Limit of disturbance and tree protection. A limit of disturbance line shall be delineated on the steep slope analysis submitted in accordance with §519.3.A. Trees outside of the limit of disturbance shall be preserved. Trees to be retained within the limit of disturbance line shall be protected from injury in accordance with §510.12.B.

H. Residential Option 2 Overlay District. Within those lands marked as Residential Option 2 Overlay District on the Zoning Map, an application for development may be submitted under the regulations of this subsection. The intent of this optional district is to create a clustered single family detached neighborhood in an open space setting.

1. General Regulations. The following general regulations shall apply to any Residential Option 2 Overlay District development.

- Minimum tract size: 20 acres
- Maximum density: 2.25 units per gross acre
- Minimum tract frontage: 300 feet
- Minimum open space: 30% of total tract area
- Minimum open space street frontage: 100 feet

1. All development shall be served by public water and public sanitary sewer.

2. Restriction on conditional uses. Only those conditional uses allowed in §402.4.A. and §402.4.C, on lots at least 7,500 sf in area, shall be permitted for any development utilizing the provisions of the Residential Option 2 Overlay District.

3. Area, yard, height and coverage requirements. The area, yard, height and coverage requirements for single family detached residences in the R-1 district shall apply to each residential lot in the Residential Option 2 Overlay District.

4. All other regulations not modified herein shall apply to any Residential Option 2 Overlay development.

\* Section 3. Zoning Map. The revised Zoning Map referenced above in §301 is attached hereto as Exhibit "A" and adopted as the official Zoning Map for the City of Lambertville.

Section 4. Severability. If any portion of this Ordinance is for any reason held to be unconstitutional or invalid by a court of competent jurisdiction, such decision shall not affect the validity of the Zoning Ordinance as a whole, or any other part thereof.

Section 5. Interpretation. If the terms of this Ordinance shall be in conflict with those of another Ordinance of the City of Lambertville, then the restriction which imposes the greater limitation shall be enforced.

Section 6. Repealer. All ordinances or parts of ordinances which are inconsistent with the provisions of this Ordinance are hereby repealed to the extent of such inconsistency only.

Section 7. Enactment. This Ordinance shall take effect upon the filing thereof with the Hunterdon County Planning Board after final passage, adoption and publication by the City Clerk of the City of Lambertville in the manner prescribed by law.

Notice is hereby given that the above ordinance was approved on first reading by the Mayor and Council of the City of Lambertville at their meeting of April 16, 2001 and will be considered for adoption on public hearing and second reading at the regular meeting scheduled for May 21, 2001 beginning at 7:30 PM at City Hall. At that time, all interested persons will be given the opportunity to be heard.

By Order of the City Council,  
David M. DeVecchio, Mayor

Attest:  
Mary Elizabeth Shoppard, R.M.C.  
LB: 4-26-01 TT  
FEE: \$170.50

AFFIDAVIT OF PUBLICATION  
NOTICE OF ADOPTION  
ORDINANCE 2001-15

CITY OF LAMBERTVILLE  
NOTICE OF ADOPTION  
ORDINANCE 2001-15

AN ORDINANCE AMENDING  
THE CITY OF LAMBERTVILLE  
ZONING ORDINANCE OF 1971,  
AS AMENDED, ENTITLED: "OP-  
TION 1 OVERLAY DISTRICT  
AND OPTION 2 OVERLAY DIS-  
TRICT" AN ORDINANCE TO  
LIMIT AND RESTRICT TO  
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THEIR CONSTRUCTION AND  
THE NATURE AND EXTENT OF  
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LAND IN THE CITY OF LAM-  
BERTVILLE IN THE COUNTY  
OF HUNTERDON AND PROVID-  
ING FOR THE ADMINISTRA-  
TION AND ENFORCEMENT OF  
THE PROVISIONS HEREIN  
CONTAINED AND FIXING PEN-  
ALTIES FOR THE VIOLATIONS  
THEREOF

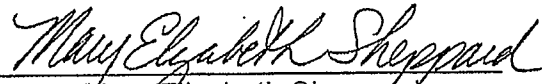
.....  
Notice is hereby given that the  
above ordinance was adopted by  
the Mayor and Council of the City  
of Lambertville on second read-  
ing and public hearing at their  
meeting of May 21, 2001.

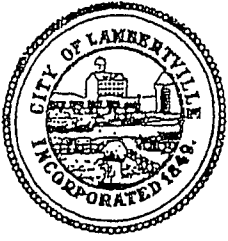
By Order of the Council,  
David M. DeVecchio, Mayor

Attest:  
Mary Elizabeth Sheppard, R.M.C.  
City Clerk

LB: 5-31-01 1T  
FEE: \$13.02

I hereby certify that Notice of the Adoption of Ordinance 2001-15 was published  
in the May 31, 2001 issue of The Beacon as evidenced by the copy above.

  
Mary Elizabeth Sheppard  
City Clerk



# City of Lambertville

18 YORK STREET  
LAMBERTVILLE, NEW JERSEY 08530  
(609) 397-0110 • FAX (609) 397-2203

May 22, 2001

John Kellogg, Administrator  
Hunterdon County Planning Board  
Post Office Box 2900  
Flemington, New Jersey 08822

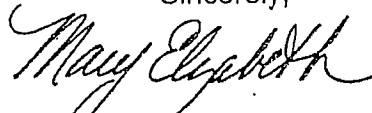
RE: Ordinance 2001-15

Dear John,

Enclosed please find a certified copy of Ordinance 2001-15 as adopted by the Mayor and Council at their meeting last evening. Please issue an acknowledgement of the receipt of this ordinance.

Thank you for your continuing assistance and support.

Sincerely,



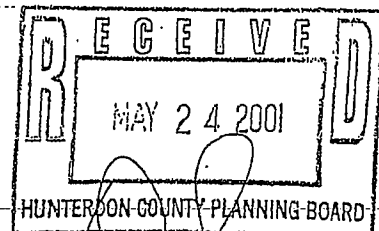
Mary Elizabeth Sheppard, R.M.C.  
City Clerk

RECEIVED

MAY 30 2001

CERTIFIED

Z 589 015 118



**LAMBERTVILLE PLANNING BOARD**  
**RESOLUTION No. 2-2001**  
**PRELIMINARY INVESTIGATION FOR THE CONNAUGHT HILL AREA PURSUANT**  
**TO THE LOCAL REDEVELOPMENT AND HOUSING LAW,**  
**N.J.S.A. 40A:12A-1 et seq.**

WHEREAS, by resolution dated February 20, 2001, the Mayor and Council of the City of Lambertville authorized and directed the Lambertville Planning Board to conduct a preliminary investigation and hearing to evaluate and make recommendations to the City Council as to whether the area and the properties located on Tax Map Sheets 13 and 14 and described as Blocks 1086, 1087, 1088, 1089, 1092, 1093 and 1094 (the "Proposed Redevelopment Area") are in need of redevelopment utilizing the statutory criteria set forth in the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 et seq. (the "Redevelopment Law"); and

WHEREAS, pursuant to Section 6(b)(1) of the Redevelopment Law, the Planning Board prepared a map showing the boundaries of the Proposed Redevelopment Area, with an attached explanatory statement, and filed same with the City Clerk; and

WHEREAS, pursuant to and in accordance with Section 6(b)(2) and (3) of the Redevelopment Law, notice of the Planning Board's preliminary investigation and hearing thereon scheduled for May 2, 2001 was duly given, both by publication in the Hunterdon County Democrat newspaper on April 12 and 19, 2001 and by certified mailing on April 19, 2001 to the owner of each parcel of property within the Proposed Redevelopment Area and to all claimants of an interest in any such parcel; and

WHEREAS, pursuant to Section 6(b)(4) of the Redevelopment Law, the Planning Board conducted a hearing on May 2, 2001 at which it reviewed a report on the Proposed Redevelopment Area entitled "Determination of Need", prepared by the Planning Board's planning consultants, Clarke Caton Hintz of Trenton, New Jersey, and at which it received and considered the comments of all interested persons with regard to the Proposed Redevelopment Area; and

WHEREAS, the Planning Board has completed its hearing on the matter; and

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

1. The Proposed Redevelopment Area has significant areas of vacant, unimproved land, obsolete for modern building construction. Difficult topographic conditions also exist on the perimeter of the area that contribute to the underutilization of the land. Poor access from other parts of Lambertville and West Amwell to the Proposed Redevelopment Area is present due to these difficult topographic constraints. The grid pattern of streets is ill-suited for the steep slope areas where access must be

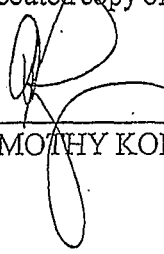
gained. The Proposed Redevelopment Area includes significant areas of vacant land, overgrown and straggly vegetation, and gerrymandered lot access.

2. A number of buildings in the Proposed Redevelopment Area are dilapidated and obsolete and detrimental to the safety, health, morals and welfare of the community.
3. The land ownership patterns in the Proposed Redevelopment Area, when ownership can be determined, are highly mixed. A wide difference exists between the sizes of the largest and smallest parcels. Differing and unknown ownership with clouded titles make the utilization of land inefficient and unproductive. This situation is endemic to the Proposed Redevelopment Area and this pattern of ownership, vacant and underutilized land has endured for at least thirty years. The diversity of ownership, lack of infrastructure and a checkerboard pattern of blight have prevented the acquisition and development of vacant lots for modern, well-designed housing.
4. Based upon the above findings of fact, the conditions set forth under Sections 5(c), (d) and (e) of the Redevelopment Law exist in the Proposed Redevelopment Area, and the Proposed Redevelopment Area therefore meets the criteria necessary for it to be determined as being in need of redevelopment.

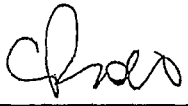
*\* Amendments: REMOVE DATE OF ADOPTION / OWNER OCCUPIED PROPERTIES EXEMPT.*

**NOW THEREFORE, BE IT RESOLVED**, by the Lambertville Planning Board, County of Hunterdon, State of New Jersey, that a recommendation be made to the City Council that the Proposed Redevelopment Area be determined to be a redevelopment area.

**BE IT FURTHER RESOLVED**, that a duly executed copy of this resolution be transmitted to the City Council.

  
TIMOTHY KORZUN, CHAIRMAN

ATTEST:

  
CHRISTOPHER R. COLT, SECRETARY

ROLL CALL VOTE

THOSE IN FAVOR:   - 6 -  

THOSE OPPOSED:   - 0 -  

Date Memorialized: May 2, 2001



The regular meeting of the Mayor and Council of the City of Lambertville was called to order at 7:35 PM. Present were Council President McManus, Councilwoman Ege, Councilwoman Warford and Councilman Stegman. Mayor DeVecchio arrived shortly thereafter.

In compliance with the Open Public Meeting Act, Council President McManus announced that this was a regular scheduled meeting pursuant to the Annual Meeting Notice as published in the January 11, 2001 issue of The Beacon and that a copy of the agenda for this meeting had been posted on the bulletin board, forwarded to The Beacon and the Hunterdon County Democrat, filed in the City Clerk's Office and available to anyone so requesting on May 17, 2001.

Council President McManus led all in the Pledge of Allegiance.

**MINUTES** of the following regular, special and closed meetings were approved as presented with the Closed not released until all issues have been resolved on motion by Councilwoman Ege, second by Councilman Stegman and unanimous favorable roll call vote.

- a. January 22, 2001 Regular Meeting.
- b. January 22, 2001 Closed Meeting.
- c. February 20, 2001 Regular Meeting.
- d. April 2, 2001 Special Meeting.
- e. April 16, 2001 Regular Meeting.
- f. April 16, 2001 Closed Meeting.

**ORDINANCE 2001-15:** AN ORDINANCE AMENDING THE CITY OF LAMBERTVILLE ZONING ORDINANCE OF 1971, AS AMENDED, ENTITLED: "OPTION 1 OVERLAY DISTRICT AND OPTION 2 OVERLAY DISTRICT" AN ORDINANCE TO LIMIT AND RESTRICT TO SPECIFIED DISTRICTS OR ZONES AND TO REGULATE THEREIN, BUILDINGS AND STRUCTURES ACCORDING TO THEIR CONSTRUCTION AND THE NATURE AND EXTENT OF THEIR USE, AND THE NATURE AND EXTENT OF THE USE OF LAND IN THE CITY OF LAMBERTVILLE IN THE COUNTY OF HUNTERDON AND PROVIDING FOR THE ADMINISTRATION AND ENFORCEMENT OF THE PROVISIONS HEREIN CONTAINED AND FIXING PENALTIES FOR THE VIOLATIONS THEREOF.

Attorney Kevin Moore was present for this public hearing. Councilwoman Ege read Ordinance 2001-15 by title. The City Clerk presented an Affidavit that notice of the public hearing was published in the April 26, 2001 issue of the Beacon, forwarded to the Hunterdon County Planning Board, Delaware Township Clerk and West Amwell Township Clerk, referred to the Planning Board, posted on the bulletin board and a copy was made available to anyone requesting same since April 23, 2001. A Resolution was received from the Planning Board noting that Ordinance 2001-15 is consistent with the Master Plan and recommends adoption.

Being no comments from the public, motion by Councilwoman Ege, second by Councilwoman Warford and adopted on unanimous favorable roll call vote that the public hearing on Ordinance 2001-15 be closed.

Ordinance 2001-15 was adopted on second reading and public hearing and the same ordered published on motion by Councilwoman Ege, second by Councilman Stegman and unanimous favorable roll call vote.

Mayor DeVecchio arrived during Mr. Wood's presentation.

**UNITED WATER** Superintendent Keith Wood addressed the Council on the steps taken to advise the businesses and residents about the annual flushing of the hydrants, the steps taken to correct the problem encountered on Clinton Street with a dropped valve and the necessity of clear communication between all parties. He summarized additional steps that have been taken to improve the quality of water being delivered to the residents. Test results are available for public inspection at the office. He encouraged anyone who is experiencing a problem to contact him, preferably in writing, so that it can be addressed. It was suggested that the flushing be done during the week, at night or on a rotating basis rather than the weekend since the hotels and restaurants are less occupied at those times.

**ORDINANCE 2001-16: AN ORDINANCE TO AUTHORIZE THE SALE OF AN EASEMENT ON BLOCK 1002 LOT 43 TO THE STATE OF NEW JERSEY FOR THE INSTALLATION OF DRAINAGE IMPROVEMENTS.**

The City Clerk presented an affidavit that notice of the public hearing was published in the April 26, 2001 issue of The Beacon, posted on the bulletin board and a copy was made available to anyone requesting same since April 23, 2001. Mayor DeVecchio noted that this was the easement on Ely Field for the secondary diversion pipe.

Being no further comments, motion by Councilwoman Ege, second by Council President McManus and adopted on unanimous favorable roll call vote that the public hearing on Ordinance 2001-16 be closed.

Ordinance 2001-16 was adopted on second reading and public hearing and the same ordered advertised on motion by Councilwoman Warford, second by Councilwoman Ege and unanimous favorable roll call vote.

**ORDINANCE 2001-17: AN ORDINANCE TO ACCEPT GAS LIGHTS AND AUTHORIZE THE INSTALLATION IN THE RIGHT-OF-WAY OF YORK AND UNION STREETS.**

The City Clerk presented an affidavit that notice of the public hearing was published in the April 26, 2001 issue of The Beacon, posted on the bulletin board and a copy was made available to anyone requesting same since April 23, 2001.

Being no further comments, motion by Councilwoman Ege, second by Councilwoman Warford and adopted on unanimous favorable roll call vote that the public hearing on Ordinance 2001-17 be closed.

Ordinance 2001-17 was adopted on second reading and public hearing and the same ordered advertised on motion by Councilwoman Ege, second by Council President McManus and unanimous favorable roll call vote.

**ORDINANCE 2001-18:** AN ORDINANCE TO AMEND THE REVISED GENERAL ORDINANCES OF THE CITY OF LAMBERTVILLE, 1990, SECTION 3-13 FEES CHARGED BY VARIOUS DEPARTMENTS, BOARDS AND COMMISSIONS OF THE CITY OF LAMBERTVILLE.

The City Clerk presented an affidavit that notice of the public hearing was published in the April 26, 2001 issue of The Beacon, posted on the bulletin board and a copy was made available to anyone requesting same since April 23, 2001.

Being no further comments, motion by Councilwoman Ege, second by Councilman Stegman and adopted on unanimous favorable roll call vote that the public hearing on Ordinance 2001-18 be closed.

Ordinance 2001-18 was adopted on second reading and public hearing and the same ordered advertised on motion by Councilwoman Ege, second by Councilwoman Warford and unanimous favorable roll call vote.

**ORDINANCE 2001-19:** AN ORDINANCE TO AUTHORIZE THE INSTALLATION OF COMMERCIAL DIRECTIONAL SIGNS IN THE RIGHT-OF-WAY OF CERTAIN PUBLIC STREETS IN THE CITY OF LAMBERTVILLE, COUNTY OF HUNTERDON

The City Clerk presented an affidavit that notice of the public hearing was published in the April 26, 2001 issue of The Beacon, posted on the bulletin board and a copy was made available to anyone requesting same since April 23, 2001.

Being no further comments, motion by Councilwoman Ege, second by Councilwoman Warford and adopted on unanimous favorable roll call vote that the public hearing on Ordinance 2001-19 be closed.

Ordinance 2001-19 was adopted on second reading and public hearing and the same ordered advertised on motion by Councilwoman Warford, second by Councilman Stegman and unanimous favorable roll call vote.

**ADMINISTRATIVE REPORTS** as attached and hereby made part of the minutes of this meeting were accepted for filing on motion by Councilwoman Warford, second by Councilwoman Ege and unanimous favorable roll call vote.

Report from Tax Collector Bonnie J. Eick  
Report from Municipal Court Administrator Patricia A. Ahern  
Report from Fire Chief Ronald Tillett Jr.  
Report from Construction Official William White  
Report from Police Director Bruce Cocuzza  
Report from Public Works Director Paul A. Cronce  
Report from City Clerk Mary Elizabeth Sheppard  
Report from Chief Financial Officer Linda Monteverde

Public Works Director Cronce noted that a Driver's Safety Course is being scheduled through the Somerset County Joint Insurance Fund.

At the request of Tax Collector Eick, the following ordinance was approved on first reading and scheduled for adoption on second reading and public hearing at the next meeting on motion by Councilwoman Ege, second by Council President McManus and unanimous favorable roll call vote.

ORDINANCE 2001-20

AN ORDINANCE TO AMEND THE REVISED GENERAL ORDINANCES OF THE CITY OF LAMBERTVILLE, 1990, SECTION 3-13 FEES CHARGED BY VARIOUS DEPARTMENTS, BOARD AND COMMISSIONS OF THE CITY OF LAMBERTVILLE.

BE IT ORDAINED by the Mayor and Council of the City of Lambertville, County of Hunterdon, State of New Jersey, paragraph 2 shall be added to Section 3-13e Tax Collector to read as follows:

2. Redemption amounts shall be obtained from the Tax Collector. A \$25.00 fee will be charged for each addition request for redemption calculation.

BE IT FURTHER ORDAINED that this ordinance shall be effective according to law.

**BILL LIST** as attached and hereby made part of the minutes of this meeting was approved for payment upon availability of funds on motion by Councilwoman Ege, second by Council President McManus and unanimous favorable roll call vote.

**CORRESPONDENCE** as summarized below was received for review.

Department of Transportation forwarded a signed copy of the Truck ban on Route 29.

NJ Commerce forwarded notice that Eco-Tourism Award has been given to Shad Fest.

Hunterdon County Department of Human Services forwarded notice of public hearing on Casino Revenue Funding.

Township of Bethlehem and Township of East Amwell forwarded Resolutions opposing Federal legislation that would federalize municipal land use laws.

Township of Delaware forwarded notice of a meeting, Friday, May 18, 2001 regarding the Lambertville Trap Rock Quarry.

United Water forwarded notice of the annual flushing of lines May 20 - 27<sup>th</sup>.

**UNFINISHED BUSINESS:**

The following Resolution acknowledging Donald Hart was adopted on motion by Councilwoman Ege, second by Councilman Stegman and unanimous favorable roll call vote.

*RESOLUTION*

WHEREAS the dedicated service of volunteers is essential for the proper functioning of government at all levels; and

WHEREAS Donald Hart, as a Lambertville native, has long been active in various community activities; and

WHEREAS, due to family commitments and construction of a new home in Delaware Township, Donald has found it necessary to resign from the Lambertville Sewerage Authority Council after serving more than six years,

WHEREAS Donald's ability to negotiate and assistance in finding a common ground will be sorely missed by the Personnel Committee and other members of the Board, and

WHEREAS Donald was instrumental in creating a discount on the sewerage fees for senior citizen resident property owners,

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the City of Lambertville that Donald Hart, PH.D, be publicly thanked for his many hours of service to the residents of the City, and

BE IT FURTHER RESOLVED that congratulations and best wishes be extended to Donald and his family for continued success in all his future endeavors.

**CONNAUGHT HILL REDEVELOPMENT:** Mayor DelVecchio noted that several residents attended the Planning Board meeting on May 2<sup>nd</sup>. It was made clear that this action will not have an adverse effect on any owner occupied property. A copy of the Planning Board's Resolution No. 2-2001 is attached and hereby made part of the minutes of this meeting.

The following Resolution was adopted on motion by Councilwoman Ege, second by Councilwoman Warford and unanimous favorable roll call vote.

### *RESOLUTION*

#### **DECLARING BLOCKS 1086, 1087, 1088, 1089, 1092, 1093, AND 1094 AS AN AREA IN NEED OF REDEVELOPMENT AND REFERING THE TASK OF PREPERING A REDEVELOPMENT PLAN TO THE PLANNING BOARD**

WHEREAS, the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 *et seq.* ("NJRHL") authorizes the governing body to declare areas in need of redevelopment in accordance with the requirements of the NJRHL; and

WHEREAS, on February 20, 2001, the City Council of the City of Lambertville (the "Council") adopted a resolution which authorized and directed the Planning Board of the City of Lambertville (the "Planning Board") to undertake a preliminary investigation to determine whether Blocks 1086, 1087, 1088, 1089, 1092, 1093 and 1094, as shown on the Tax Map of the City of Lambertville (the "Delineated Area"), meet the criteria set forth in the NJRHL for being determined to be an "area in need of redevelopment" as defined in the NJRHL; and

WHEREAS, after providing requisite notice, the Planning Board held a hearing on May 2, 2001 to review the results of the preliminary investigation and to solicit public comment on whether the Planning Board should recommend to the Council that the Delineated Area be determined to be an "area in need of redevelopment", and

WHEREAS, the Planning Board, by resolution no. 2-2001, dated May 2, 2001, has recommended to the Council, pursuant to Section 6 of the NJRHL, that the Delineated Area be determined to be an "area in need of redevelopment", and

WHEREAS, the Council has given due consideration to the recommendation of the Planning Board that the Delineated Area be determined to be an "area in need of redevelopment".

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the City of Lambertville, County of Hunterdon, State of New Jersey, that the Delineated Area is hereby determined to be an "area in need of redevelopment" and is hereby designated as a "redevelopment area", as such terms are defined in the NJRHL.

BE IT FURTHER RESOLVED that the Council hereby directs the Planning Board to prepare a Redevelopment Plan for the Delineated Area in accordance with the NJRHL and that will not have an adverse effect on any owner occupied property.

BE IT FURTHER RESOLVED THAT duly executed copies of this resolution shall be transmitted to the Planning Board and filed in the office of the City Clerk.

**CITY HALL PARKING LOT:** Councilman Ege submitted a letter recommending leasing nine parking spaces on a first-come basis and on weekends, offering the lot to various non-profits to rent out to generate funds. After discussion, the following ordinance was approved on first reading and scheduled for adoption on second reading and public hearing at the June 18, 2001 meeting on motion by Councilwoman Ege, second by Councilman Stegman and majority favorable roll call vote with Councilwoman Warford opposed.

**ORDINANCE 2001- 21**

**AN ORDINANCE TO AMEND THE REVISED GENERAL ORDINANCES OF THE CITY OF LAMBERTVILLE, 1990 , SECTION 8-2 YORK STREET LOT**

BE IT ORDAINED by the Mayor and Council of the City of Lambertville, County of Hunterdon, State of New Jersey as follows:

**SECTION 1:** Section 8-2 York Street Lot shall be amended by adding the following sections:

**Section 8-2.3 Parking by Permit.** In addition to the eleven municipal employee parking spaces, there shall be created seven parking spots which shall be available to residents by permit only. The permits will be issued by the City Clerk on a first come first served basis. Each spot shall be numbered to correspond with the permit number and available to the permit holder at all times.

**Section 8-2.4 Fees.** The fee for the permit shall be thirty-five (\$35.00) dollars per month with a late fee of five (\$5.00) if not paid by the tenth (10<sup>th</sup>) of the month. If the fee is not paid by the twentieth (20<sup>th</sup>) of the month, the permit shall be null and void and available for issuance to another person. A list will be maintained by the City Clerk to be utilized in the event of a vacancy.

**Section 8-2.5 Weekends and Holiday parking:** On a rotating basis, not-for-profit groups may request the opportunity to monitor the remaining eleven parking spots from 6 PM Friday through 8 AM Monday for a month and charge a reasonable fee for parking with the proceeds going to the not-for-profit group.

**SECTION 2:** This ordinance shall be effective upon adoption and publication according to law.

**ROUTE 165 AND 518:** After discussion of the letter received from Department of Transportation, Motion by Councilwoman Ege, second by Councilman Stegman and adopted on unanimous favorable roll call vote that a letter be sent to the Department of Transportation thanking them for trimming the brush and designating the intersection with signs, but expressing disappointment in the analysis of Route 518 traffic. It also appears that they did not address the possibility of a light at the intersection of Route 165 and Swan Street as they rejected a light at the intersection of Route 165 and Route 518. It should also be noted that although there is a small number of accidents, the number of near misses with pedestrians and bicycles is not reflected in the statistics.

**GARDEN STATE HISTORIC PRESERVATION TRUST GRANT:** The Mayor and Council reviewed the grant application as prepared by John Hencheck and the City Clerk. The following Resolutions were adopted on motion by Councilwoman Ege, second by Councilman Stegman and unanimous favorable roll call vote.

### RESOLUTION

WHEREAS the City of Lambertville has the privilege of owning a Victorian home located in the area designated as a historic district by both State and Federal Register which is utilized as City Hall,

WHEREAS the citizens of Lambertville have made it clear from their actions that they support the rehabilitation of historic homes and buildings and the continued use of this building as a public facility,

WHEREAS the building was constructed in 1872 and is in need of rehabilitation to be utilized according to current standards for public buildings, and

WHEREAS the Mayor and Council of the City of Lambertville are desirous of obtaining a preservation plan to guide the rehabilitation of this historic building,

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the City of Lambertville, County of Hunterdon, State of New Jersey, that they authorize the Mayor and City Clerk to file an application with the Garden State Historic Preservation Trust Fund Program for the preparation of a Preservation Plan in the amount of \$54,000.00 and commit to appropriate the amount of \$13,500.00 toward this project.

### NEW BUSINESS

**COAH CERTIFICATION:** The following Resolution was adopted on motion by Councilwoman Ege, second by Councilman Stegman and unanimous favorable roll call vote.



## RESOLUTION

WHEREAS the City of Lambertville received substantive certification from the New Jersey Council on Affordable Housing ("COAH") on September 6, 1995 for a period of six years, and this substantive certification will expire on September 6, 2001; and

WHEREAS COAH has adopted an interim substantive certification rule permitting a municipality to extend its second round substantive certification for up to one year after the effective date of the adoption of COAH's third round methodology and rules if a municipality requests an extension, commits to continuing to implement the certified second round plan and also commits to addressing its third round obligation with a newly adopted housing element and fair share plan; and

WHEREAS the City of Lambertville must commit to either filing a newly adopted housing element and fair share plan addressing the third round obligation with COAH or petition for a third round substantive certification prior to the expiration of the interim substantive certification.

NOW, THEREFORE BE IT RESOLVED by the Mayor and Council of the City of Lambertville, in the County of Hunterdon, State of New Jersey, that the City of Lambertville requests COAH, under its interim substantive certification procedure at N.J.A.C. 5:91-14.3, to extend substantive certification for up to one year after the effective date of the adoption of COAH's third round methodology and rules; and

BE IT FURTHER RESOLVED that the City of Lambertville hereby commits to continue to implement its certified second round plan; and

BE IT FURTHER RESOLVED that the City of Lambertville hereby commits to address its third round fair share obligation with a newly adopted housing element and fair share plan within one year after the effective date of COAH's third round methodology and rules; and

BE IT FINALLY RESOLVED that the City of Lambertville shall either file the newly adopted housing element and fair share plan addressing the third round obligation with COAH or petition for a third round substantive certification prior to the expiration of interim substantive certification.

**2002 TRANSPORTATION TRUST FUND APPLICATION:** After discussion, motion by Councilwoman Ege, second by Council President McManus and adopted on unanimous favorable roll call vote that Engineer Clerico be authorized to prepare an application for reconstruction of North Union Street from Bridge Street to York Street including the brick strips that are already on Bridge Street and an alternate for gas street lights.

AMENDMENT TO IRS CODE to provide credit for historic renovations and similar legislation in New Jersey were summarized by John Hencheck. It was noted that Senators Torricelli and Corzine are sponsoring this legislation. Noting that Lambertville is known for its historic preservation, the following Resolution was adopted on motion by Council President McManus, second by Councilwoman Warford and unanimous favorable roll call vote.

## RESOLUTION

WHEREAS the City of Lambertville, incorporated in 1849, flourished during the Victorian Period with many beautiful homes built by prominent citizens and owners of the factories located along the Delaware River,

WHEREAS during the past few years, the City of Lambertville has experienced a renaissance and is now home to several renowned restaurants, art galleries and antique markets and has become a tourist center with activities year round including Shad Festival, garden tours, concerts and art festivals,

WHEREAS the Lambertville Historical Society annually sponsors a tour of historic homes showcasing a wide range of architectural styles which have been restored and maintained by the citizens as their home,

WHEREAS the following legislation has been introduced which would amend the state and federal tax codes to provide credits for rehabilitation of historic homes which are used as a principal residence:

United State Senate S-920  
House of Representatives HR-1172  
New Jersey Senate S-2322  
Assembly A-1172

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the City of Lambertville, County of Hunterdon, State of New Jersey, that they are proud of the citizens who have rehabilitated and maintained the existing housing in keeping with its historic period and enthusiastically support the rehabilitation and preservation of historic homes and structures, and

BE IT FURTHER RESOLVED that President Bush, Senator Corzine, Senator Torricelli, Representative Holt, Acting Governor DiFrancesco, Senator Schluter, Assemblyman Lance and Assemblywoman Myers be encouraged to support this legislation, and

BE IT FINALLY RESOLVED that a certified copy of this Resolution be forwarded to each Hunterdon County municipality.

**GAS LIGHTS:** Mr. Hencheck announced that the gas lights should be installed in front of City Hall by the June 18<sup>th</sup> meeting.

**FACT:** Motion by Councilman Stegman, second by Councilwoman Ege and adopted on unanimous favorable roll call vote that the governing body has no objection to the issuance of a one-day special permit for a fund raiser to be held on June 2<sup>nd</sup> at the Rago Gallery.

**HANDICAPPED PARKING SPACE:** In response to a request from Edward Nalence, 93 North Main Street, the following Resolution was adopted on motion by Councilwoman Ege, second by Councilwoman Warford and unanimous favorable roll call vote.

## RESOLUTION

WHEREAS the Department of Transportation has the authority to create a handicapped parking space on North Main Street, State Highway Route 29,

WHEREAS the Mayor and Council have received a request from Edward Nalence, 93 North Main Street, Lambertville, New Jersey for designation of a handicapped parking space adjacent to his home,

WHEREAS Mr. Nalence has ongoing medical conditions and is eligible for Handicapped Placard from the Division of Motor Vehicles,

WHEREAS there is no handicapped parking space in this area,

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the City of Lambertville, County of Hunterdon, State of New Jersey, that they petition the Department of Transportation for the designation of a handicapped parking space in the vicinity of 93 North Main Street, State Highway Route 29.

Another request for a handicapped parking space was received from Joseph DiSalvi, 85 York Street. It was noted that there is already a designated space in that area. This will be reviewed by the Public Works Director.

**FEES FOR CONSTRUCTION PERMITS:** Pursuant to recommendation from Construction Official White and Plumbing Inspector Koegel, the following ordinance was introduced and approved on first reading and ordered scheduled for adoption on public hearing and second reading at the June 18<sup>th</sup> meeting on motion by Councilwoman Ege, second by Council President McManus and unanimous favorable roll call vote. Councilman Stegman requested that the proposed fee schedule be used to calculate one month of permits from last year to determine the change.

ORDINANCE 2001- 22  
AN ORDINANCE TO AMEND THE REVISED GENERAL ORDINANCES OF THE  
CITY OF LAMBERTVILLE, 1990 , SECTION 10 BUILDING AND HOUSING

BE IT ORDAINED by the Mayor and Council of the City of Lambertville, County of Hunterdon, State of New Jersey, that Section 10-1.3 Fees shall be amended as follows:

Section 1: Section a.1 shall be amended to read as follows:

- (a) The fee for a construction permit shall be the sum of the subcode fees listed in subparagraphs 1 through 3 hereof and shall be paid before the permit is issued. The minimum fee covering any and all Building, Plumbing, Electrical, Mechanical and Fire Protection work shall be \$45.00.
1. The building subcode fee shall be:
- (a) For new construction including additions:  
Residential Use Groups including Use Group U and all other Use Groups: \$.020 per cubic foot of building or structure volume.
- (b) For renovations, alterations or repairs or replacement work: twelve (\$12.00) dollars per one thousand (\$1,000.00) dollars of estimated costs of work for Residential Use Groups including Use Group U and all other Use Groups. At the Construction Official's request, the applicant shall submit evidence of cost in the form of a signed contract, an architects or engineer's cost estimate or a statement for a recognized construction estimator. The estimate of cost shall include all labor and materials.
- (c) For new construction of any agricultural structure located on farmland assessed property, addition thereto, or any combination thereof: \$.007 per cubic foot of building or structure volume.
- (d) For renovations, alterations and repairs to agricultural: six (\$6.00) dollars per one thousand (\$1,000.00) dollars of estimated cost of work.
- (e) The following flat fees shall be established:
- |                   |         |
|-------------------|---------|
| Roof: Residential | \$45.00 |
| Commercial        | \$75.00 |
| Siding:           | \$45.00 |
| Fence:            | \$45.00 |

Above ground pool:	
Less than 550 square feet:	\$50.00
More than 550 square feet:	\$80.00
In ground pool:	
Less than 550 square feet	\$75.00
More than 550 square feet	\$180.00
Asbestos	\$140.00
Lead Abatement	\$140.00
Tents	
More than 900 square feet or 30 feet in any dimension:	\$45.00

- (f) For combination of renovations and additions: the sum of fees computed separately as renovations and additions.
- (g) Reinstatement of lapsed permit : 1/2 of original fee.
- (h) No fee is required for ordinary repairs.

Section 2: Section a.2 shall be amended by adding the following:

- (c) The fee for radon piping shall be \$30.00.

Section 3: Section a.4 shall be amended to read as follows:

- 4. The fee for plan review shall be five (5%) percent of the amount to be charged for the construction permit and shall be paid before the plans are reviewed. The amount paid for this fee shall be credited toward the amount of the fee to be charged for the construction permit.

Section 4: Section a.5 shall be amended to read as follows:

- 5. The fee for a permit for demolition shall be

Structure or building	\$65.00
Storage tank	\$45.00

Section 5: Section a.6 shall be amended to read as follows:

- 6. The fee for a permit for the removal of a building or structure from one lot to another either within or without the City or to a new location on the same lot shall be \$45.00 for a Residential Building and \$65.00 for all other use groups.

Section 6: Section a.7 shall be amended to read as follows:

- 7. The fee for a sign permit shall be one dollar and twenty cents (\$1.20) per square foot or a minimum fee of \$45.00.

Section 7: Section a.8 shall be deleted in its entirety.

Section 8: Section a.9 shall retain paragraphs (a) and (b) and have the following sub-sections added:

(c)	Installation of Storage Tanks	
	Above ground: 5,000 gallons or less, each	\$45.00
	5,001-12,000 gallons, each	\$65.00
	over 12,001 gallons, each	\$120.00
	Under ground: 5,000 gallons or less, each	\$45.00
	5,001-12,000 gallons, each	\$65.00
	over 12,001 gallons, each	\$120.00
(d)	Alarm Devices: (e.g. smoke/heat detectors, pull stations, water/flow)	
	1 - 12	\$45.00
	13 - 40	\$65.00
	41 - 100	\$120.00
	101 - 200	\$229.00
	201 - 400	\$594.00
	401 - 1,000	\$822.00
	over 1,000	\$1,050.00
(e)	Suppression Systems: Dry pipe, Alarm valves, each Pre-action Valve, Sprinkler head (dry/wet)	
	1 - 12	\$45.00
	13 - 40	\$65.00
	41 - 100	\$120.00
	101 - 200	\$229.00
	201 - 400	\$594.00
	401 - 1,000	\$822.00
	over 1,000	\$1,050.00
	Standpipes, each	\$229.00
	Fire pump, each	\$229.00
	Yard hydrants	\$229.00
(f)	Pre-Engineered Systems: Suppression Systems	
	Wet Chemical	\$92.00
	Dry Chemical	\$92.00
	CO2 Suppression	\$92.00
	Foam Suppression	\$92.00
	Halon Suppression, each	\$92.00
(g)	Kitchen Exhaust System, each	\$45.00

- |     |  |          |
|-----|--|----------|
| (h) | Appliances, Gas fired, Oil fired, Solid Fuel fired, each | \$45.00  |
| (i) | Chimney Relining, each                                   | \$45.00  |
| (j) | Spray Booth, each  | \$45.00  |
| (k) | Emergency and Exit Lights, each                          | \$5.00   |
| (l) | Installation of Incinerators and Crematoriums            | \$365.00 |

Section 9: Section a.10 and a.11 shall be deleted in thier entirety.

Section 10: Section a.10 shall read as follows:

Application fee for a Variation:

Residential	\$45.00
Other – commercial industrial	\$65.00

Section 11: Section b Fees for Certificates of Occupancy shall be amended to read as follows:

1. The fee for a Certificate of Occupancy for new construction of Residential properties shall be thirty dollars (\$30.00).
2. The fee for a Certificate of Occupancy for all other use groups shall be fifty dollars (\$50.00).
3. The fee for a Temporary Certificate of Occupancy shall be the same as set forth in 1 and 2 above.
4. The fee for a Continued Certificate of Occupancy shall be one hundred and twenty dollars (\$120.00).
5. The fee for a Use Group Change shall be one hundred and twenty dollars (\$120.00).

Section 12: The first sentence in Section d shall be amended to read as follows:

In order to provide for the training, certification and technical support programs required by the Uniform Construction Code Act and the regulations, the enforcing agency shall collect, in addition to the fees specified above, a surcharge of \$0.0016 per cubic foot of volume of new construction and a surcharge fee of \$0.0008 per one thousand (\$1,000.00) of value of all other construction.

Section 13: Repealer: All ordinances or parts of ordinances inconsistent with the provisions of this Ordinance are hereby repealed.

Section 14: Severability: If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any Court of competent jurisdiction, such portion shall be deemed a separate and independent provision and such holding shall not affect the validity of the remaining portions hereof.

Section 15: Adoption: Upon adoption, this ordinance will be incorporated into and become part of the Code of the City of Lambertville.

Section 16: Effective Date: This ordinance shall take effect upon publication and passage according to law.

**RENEWAL OF ALCOHOLIC BEVERAGE LICENSES:** The following Resolution was adopted on motion by Councilwoman Warford, second by Councilwoman Ege and unanimous favorable roll call vote.

## RESOLUTION

WHEREAS application has been received from the following establishments for renewal of the Alcoholic Beverage License currently held by them for premises located in the City of Lambertville, New Jersey:

1017-33-001-004	Standin Room Only Pub Inc.
1017-33-002-006	ETZ Food, Inc.
1017-33-003-002	Masons Bar, Inc.
1017-33-004-004	Mitchell's Cafe Inc.
1017-33-005-008	Masset Group Inc.
1017-32-006-003	The Boat House Inc.
1017-33-007-003	Targa Investments Inc.
1017-33-008-006	The Lambertville Restaurant LLC
1017-33-009-002	Swan Hotel Inc.
1017-44-010-005	Walker's Wines and Spirits, Inc.
1017-44-011-002	Richard L. Welsh
1017-31-012-001	Toscanni Post American Legion Inc.
1017-31-015-001	Lambertville Lodge 1070 B.P.O. Elks

WHEREAS each application is complete and accompanied by the required fees, affidavits and Clearance certificates from the New Jersey Division of Taxation;

WHEREAS no written objection to the renewal of these licenses was received by the City Clerk pursuant to the Notice of Annual Renewals as published in The Beacon by the New Jersey Division of Alcoholic Beverage Control;



WHEREAS the Lambertville Police Department, after conducting an inspection of each establishment, found each to be in compliance with the required licensing and posting documentation requirements and recommend approval;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the City of Lambertville, County of Hunterdon, State of New Jersey, that the above licenses be renewed for the 2001-2002 license year and that the City Clerk be directed to forward a certified copy of this Resolution and the renewal applications to the Division of Alcoholic Beverage Control, Department of Law and Public Safety, for processing, and to the applicants; and

BE IT FURTHER RESOLVED that the City Clerk be authorized to issue the 2001-2002 license to the proper holder prior to the effective date of June 30, 2001.

**DELAWARE AVENUE DRAINAGE PROJECT:** Mayor DeVecchio announced that the pre-construction meeting is scheduled for June 1, 2001 and that the Advisory Committee has scheduled a meeting for May 24, 2001. In response to a question from Ruth Ann Holmes, Mayor DeVecchio noted that the schedule for the work should be discussed at that meeting.

**UNITED WATER COMPANY:** The Mayor and Council reviewed letters from Engineer Clerico and John Towle, Land Development Manager for Calton Homes, regarding issuance of a Temporary Certificate of Occupancy for the expanded pump station on Jean Street. Although the City hold a performance bond for the completion of this work, it was Public Works Director Cronce's position that no temporary certificates should be issued until the landscaping is completed.

After discussion, motion by Councilwoman Warford, second by Councilman Stegman and adopted on majority favorable roll call vote with Councilwoman Ege abstaining that Construction Official White be advised that the landscaping and fencing be completed to the satisfaction of Public Works Director Cronce and that the Board of Adjustment approve the noise levels prior to the issuance of any certificates.

**HIGHLAND AVENUE:** In response to a request from Fire Chief Tillett, motion by Councilwoman Ege, second by Councilman Stegman and adopted on unanimous favorable roll call vote that permission be granted to close Highland Avenue on May 25<sup>th</sup> from Boozer Street to South Franklin Street to test the hydrant.

**COTTAGE HILL DRAINAGE PROJECT:** The Mayor and Council reviewed the bids received on May 17, 2001. The following Resolution was adopted on motion by Councilwoman Warford, second by Council President McManus and unanimous favorable roll call vote.

## RESOLUTION

WHEREAS the City of Lambertville advertised and subsequently received bids for the Cottage Hill Drainage Improvement Project on May 17, 2001 as outlined in the Summary of bids,

WHEREAS five bids were received as follows:

Seminole Contracting Company, Lambertville, New Jersey	\$338,775.89
Heritage Construction Services Inc., Fort Lee, New Jersey	\$444,444.00
Navka Construction Corporation, Newark, New Jersey	\$489,191.00
Stacey Contracting Inc., Clifton, New Jersey	\$539,940.85
Carbro Constructors Corporation, Hillsborough, New Jersey	\$642,610.00

WHEREAS Robert J. Clerico, City Engineer, has reviewed the submitted bids and determined that Seminole Contracting Company, 614 Brunswick Pike, Lambertville New Jersey 08530 submitted the lowest responsive bid in the amount of \$338,775.89,

WHEREAS the City of Lambertville has appropriated sufficient funds to award the contract,

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the City of Lambertville that the Contract for Cottage Hill Drainage Improvement Project be and is hereby awarded to Seminole Contracting Company, 614 Brunswick Pike, Lambertville, New Jersey 08530 based on their bid of \$338,775.89 subject to the following conditions:

1. The Contract is awarded as a unit price bid Contract and final payment will be based upon the actual quantities installed at the unit prices bid, as outlined in the Plans and Specifications prepared by Robert J. Clerico, P.E., City Engineer.

Dennis and Patricia Secula, Lincoln Avenue, were presented and noted that the final plans have changed from the first public meeting with Engineer Clerico. It was agreed that a copy of the final plans be mailed to each resident. If there are any questions or concerns, they will be worked out with Public Works Director Cronce and Engineer Clerico.

Announcements as noted on the agenda were reviewed.

Being no further comments from the public, the following Resolution was adopted on motion by Councilwoman Ege, second by Councilman Stegman and adopted on unanimous favorable roll call vote.

RESOLUTION

WHEREAS it is necessary for the Mayor and Council to discuss certain personnel, contract and pending litigation matters,

WHEREAS a closed meeting may be held pursuant to Section 7 of the Open Public Meeting Act to discuss such matters,

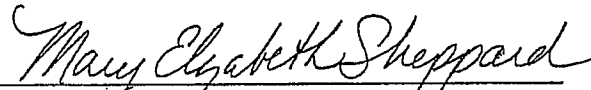
NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the City of Lambertville, County of Hunterdon, State of New Jersey, that they meet in closed session at this time, and

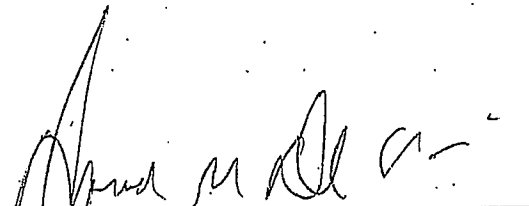
BE IT FURTHER RESOLVED that the matters under discussion will be made public upon a decisions being made.

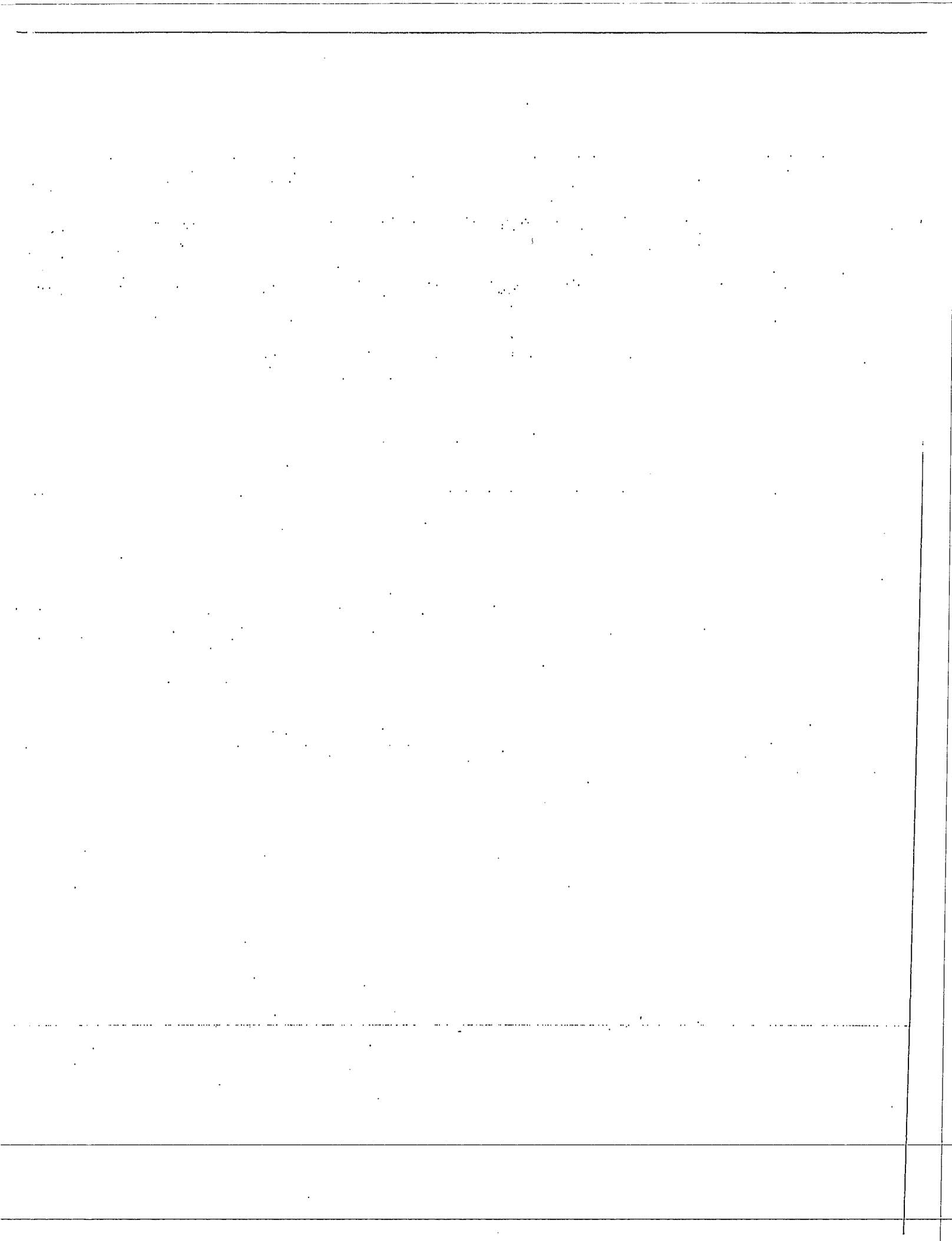
The meeting was recessed at 10:50 PM and reconvened at 11:29 PM.

A special meeting will be scheduled for June 11, 2001 to consider various issues.

Being no further discussion, motion by Councilwoman Ege, second by Councilman Stegman and adopted on unanimous favorable roll call vote that the meeting be adjourned at 11:30 PM.

  
Mary Elizabeth Sheppard, City Clerk

  
David M. DelVecchio, Mayor



ORDINANCE 2002-27

AN ORDINANCE TO ADOPT CONNAUGHT HILL REDEVELOPMENT PLAN, CITY OF LAMBERTVILLE COUNTY OF HUNTERDON, SEPTEMBER 18, 2002, REVISED AS OF OCTOBER 3, 2002 pursuant to N.J.S.A. 40A:12A-1, the New Jersey Local Redevelopment and Housing Law.

INTRODUCED: October 18, 2002

ADOPTED: November 18, 2002

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David M. DeVecchio, Mayor

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John M. McManus, Council President

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Cynthia L. Ege, Councilwoman

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Steven M. Stegman, Councilman

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Marie D. Warford, Councilwoman

ATTEST:

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Mary Elizabeth Sheppard, City Clerk

## ORDINANCE NUMBER 2005-02

### AN ORDINANCE TO AUTHORIZE THE ACQUISITION AND/OR CONDEMNATION OF REAL PROPERTY BY THE CITY OF LAMBERTVILLE

**WHEREAS**, the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 *et seq.* as amended and supplemented (“Redevelopment Law”), provides a process for municipalities to participate in the redevelopment and improvement of areas in need of redevelopment, which process includes, if necessary, the power to acquire real property that is necessary to carry out and effectuate a redevelopment plan either by direct negotiation or by condemnation pursuant to the Eminent Domain Act of 1971, N.J.S.A. 20:3-1 *et seq.* (the “Eminent Domain Act”).

**WHEREAS**, on November 18, 2002, the City of Lambertville adopted Ordinance No. 2002-27 through which the Redevelopment Plan for the Connaught Hill Redevelopment Area (“Redevelopment Plan”) was adopted by the City and which Redevelopment Plan identifies properties that should be acquired, if need be, to effectuate the purposes of the Redevelopment Plan, acquisition for said purposes having been recognized at law to be for a public purposes or for a public use.

**WHEREAS**, section 40A:12-5(a)(1) of the Local Lands and Buildings Law, N.J.S.A. 40A:12-1 *et seq.* (“LLBL”), also empowers municipalities to acquire real property by direct negotiation or by condemnation, however, in the case of a municipality, such acquisition must be authorized by duly adopted ordinance.

**WHEREAS**, the City has (i) entered into a redevelopment agreement with Raritan Valley Habitat for Humanity (“Habitat”) pursuant to which Habitat is obligated to carry out a redevelopment project in furtherance of the Redevelopment Plan, and (ii) agreed to negotiate another redevelopment agreement with Hart Enterprises, Inc. for another redevelopment project in the Connaught Hill Redevelopment Area and the City has determined that acquisition of certain properties within the jurisdiction of the Redevelopment Plan will be necessary to facilitate the redevelopment project and the City now wishes to authorize such real property acquisition by this ordinance, as required by the LLBL, the Eminent Domain Act, and the Redevelopment Law.

**NOW THEREFORE, BE IT ORDAINED**, by the Mayor and Council of the City of Lambertville, as follows:

**SECTION 1.** The acquisition of any and all of the real properties identified in Exhibit “A” by any of the following methods, (i) consummation of a purchase and sale contract which is the product of direct negotiations with the owners of such properties, (ii) by a gift, grant, bequest, devise or contribution by any owner of such properties, or (iii) by condemnation of any such property that is carried out pursuant to the Eminent Domain Act is hereby authorized and directed for the purposes of implementing the goals and objectives of the Redevelopment Plan and for such other municipal purposes as may be authorized by law.

**SECTION 2.** The City's special redevelopment counsel, namely the firm of Windels Marx Lane & Mittendorf, LLP, or any attorney associated with such firm, is hereby authorized and directed to perform and carry out or cause to be performed or carried out, any studies, surveys, tests, soundings, borings, appraisals, title searches and title report reviews as reasonably necessary to determine the value of any of the properties, the location and quality of any of the properties and any environmental matters associated with any of the properties and to undertake any action necessary or appropriate to acquire the aforementioned real properties, including relying on studies, surveys, tests, soundings, borings, appraisals and title searches and reports heretofore prepared in connection with such acquisitions.

**SECTION 3.** The firm of Windels Marx Lane & Mittendorf, LLP, or any attorney associated with such firm and is authorized (i) to negotiate with any of the properties' owners, and (ii) to file and pursue any condemnation action, as necessary to acquire the properties identified on Exhibit "A".

**SECTION 4.** The Mayor and City Clerk and such other officers as may be necessary are hereby authorized to undertake any actions and execute and deliver any paper, form, or document necessary or appropriate to acquire said properties by any of the methods set forth in Section 1 of this ordinance.

**SECTION 5.** All ordinances and/or parts of ordinances inconsistent herewith are repealed to the extent of any such inconsistency.

**SECTION 6.** This ordinance shall take effect upon publication as provided by law.

INTRODUCED: January 18, 2005

ADOPTED: March 14, 2005

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David M. DelVecchio, Mayor

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John M. McManus, Council President

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Cynthia L. Ege, Councilwoman

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Steven M. Stegman, Councilman

\_\_\_\_\_  
Frank L. Kramer, Councilman

ATTEST:

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Loretta Buckelew, City Clerk



EXHIBIT "A"

List of properties to be acquired

<u>Block</u>	<u>Lot</u>
1086	1
1086	2
1086	3
1086	4
1086	5
1087	1
1087	7.01
1087	8
1087	9
1087	10
1087	13
1087	14
1087	15
1088	12
1088	13
1088	14
1088	15
1088	16
1088	17
1088	18
1088	20
1088	21
1089	10
1089	10.01
1089	13
1089	14
1089	15
1089	16
1089	17
1089	18
1092	7
1092	8
1092	9
1092	10

1092	11
1092	13
1093	2.01
1093	3
1093	4
1094	1
1094	2
1094	2.01
1094	3

**Resolution Number 2005-25 "Authorizing the Execution of Leach Agreement"**

**BE IT RESOLVED** that Mayor DeVecchio and Loretta Buckelew, City Clerk are hereby authorize to execute the agreement between Margaret Leach and the City of Lambertville for the sale of one vacant lot located in the City of Lambertville in the County of Hunterdon and State of New Jersey and shown on the municipal tax map as Lot 15 in Block 1088.

Resolution Number 2005-40 “*Resolution Accepting Jeffrey Warford as a Developer for Block 1087 Lots 14 and 15 within the Connaught Hill Redevelopment Area*”

**WHEREAS**, the Lambertville City Council, acting as the City of Lambertville’s redevelopment entity pursuant to N.J.S.A. 40A:12A-4 and N.J.S.A. 40A:12A-8, may exercise all powers, duties and functions relating to redevelopment in the manner of a redevelopment entity under the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 et seq., which powers include contracting with redevelopers for the planning, replanning, construction, or undertaking of any project or redevelopment work under N.J.S.A. 40A:12A-8.f; and

**WHEREAS**, on November 18, 2002, the Lambertville City Council by Ordinance enacted a redevelopment plan for the Connaught Hill Redevelopment Area (“Redevelopment Plan”), which Redevelopment Plan includes, *inter alia*, Block 1087 as shown on the City of Lambertville’s tax maps; and

**WHEREAS**, the City of Lambertville has received a developer’s proposal from Jeffery Warford (“Warford”) and has reviewed and discussed the same with Warford at their March 21, 2005 regular session meeting;

**NOW, THEREFORE, BE IT RESOLVED** that the City of Lambertville accepts the proposal submitted by Warford, and designates Warford as a redeveloper for Block 1087 Lots 14 and 15 subject to the execution of a Redevelopment Agreement obligating Warford to construct a single family home; and

**BE IT FURTHER RESOLVED**, that the City of Lambertville authorizes redevelopment attorney Robert P. Roesener to draft a Redevelopment Agreement for this project and to prepare an interim cost agreement covering the period until a Redevelopment Agreement is executed.

Resolution Number 2005-41 "*Resolution Approving Redevelopment Agreement with James Fry for the purpose of clearing title and reducing existing lot non-conformity of Block 1088, Lot 12 within the Connaught Hill Redevelopment Area*"

**WHEREAS**, the Lambertville City Council, acting as the City of Lambertville's redevelopment entity pursuant to N.J.S.A. 40A:12A-4 and N.J.S.A. 40A:12A-8, may exercise all powers, duties and functions relating to redevelopment in the manner of a redevelopment entity under the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 et seq., which powers include contracting with redevelopers for the planning, replanning, construction, or undertaking of any project or redevelopment work under N.J.S.A. 40A:12A-8.f; and

**WHEREAS**, on November 18, 2002, the Lambertville City Council by Ordinance enacted a redevelopment plan for the Connaught Hill Redevelopment Area ("Redevelopment Plan"), which Redevelopment Plan includes, *inter alia*, Block 1088 as shown on the City of Lambertville's tax maps; and

**WHEREAS**, the Lambertville City Council has approved James Fry ("Developer") as the redeveloper of Lot 12 in Block 1088 (collectively, the "Project Site") for the purpose of clearing title and reducing existing lot non conformity (the "Project"); and

**WHEREAS**, special counsel for the Lambertville City Council has negotiated a proposed Redevelopment Agreement with Developer for construction of the Project on the Project Site; and

**WHEREAS**, a form of the proposed Redevelopment Agreement is attached to this Resolution, setting forth the terms and conditions by which the Developer will carry out the development of the Project, and the Lambertville City Council's special counsel recommends that the Redevelopment Agreement be approved and executed in the form attached to this Resolution, such form having been presented to the Lambertville City Council at its meeting of March 21, 2004 and modified in accordance with the discussion between the Lambertville City Council and the Developer at such meeting; and

**WHEREAS**, the members of the Lambertville City Council have considered the proposed form of Redevelopment Agreement, finding that the Project conforms to the Redevelopment Plan and furthers the public purposes that the Redevelopment Plan addresses.

**NOW, THEREFORE, BE IT RESOLVED** that the Lambertville City Council, acting as redevelopment entity for the City of Lambertville, hereby approves the proposed form of Redevelopment Agreement with Developer for the Project contemplated therein, and that the Mayor and the City Clerk of the City of Lambertville are hereby authorized to execute the Redevelopment Agreement in substantially the form attached hereto, along with any other documents and/or agreements that may be necessary to implement the Redevelopment Agreement in accordance with the Redevelopment Plan.

## Resolution Number 2005-59

*“Resolution Approving Redevelopment Agreement with Jeffrey Warford for the purpose of clearing title, reducing the non-conformity of and constructing a single family home on Block 1087, Lots 14 and 15 within the Connaught Hill Redevelopment Area”*

**WHEREAS**, the Lambertville City Council, acting as the City of Lambertville’s redevelopment entity pursuant to N.J.S.A. 40A:12A-4 and N.J.S.A. 40A:12A-8, may exercise all powers, duties and functions relating to redevelopment in the manner of a redevelopment entity under the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 et seq., which powers include contracting with redevelopers for the planning, replanning, construction, or undertaking of any project or redevelopment work under N.J.S.A. 40A:12A-8.f; and

**WHEREAS**, on November 18, 2002, the Lambertville City Council by Ordinance enacted a redevelopment plan for the Connaught Hill Redevelopment Area (“Redevelopment Plan”), which Redevelopment Plan includes, *inter alia*, portions of Block 1087 as shown on the City of Lambertville’s tax maps; and

**WHEREAS**, the Lambertville City Council has approved Jeffrey Warford (“Developer”) as the redeveloper of Lots 14 and 15 in Block 1087 (collectively, the “Project Site”) for the purpose of clearing title, reducing the existing lot non conformity and construction a single family home (the “Project”); and

**WHEREAS**, special counsel for the Lambertville City Council has negotiated a proposed Redevelopment Agreement with Developer for construction of the Project on the Project Site; and

**WHEREAS**, a form of the proposed Redevelopment Agreement is attached to this Resolution, setting forth the terms and conditions by which the Developer will carry out the development of the Project, and the Lambertville City Council’s special counsel recommends that the Redevelopment Agreement be approved and executed substantially in the form attached to this Resolution, such form having been presented to the Lambertville City Council at its meeting of June 20, 2005; and

**WHEREAS**, the members of the Lambertville City Council have considered the proposed form of Redevelopment Agreement, finding that the Project conforms to the Redevelopment Plan and furthers the public purposes that the Redevelopment Plan addresses.

**NOW, THEREFORE, BE IT RESOLVED** that the Lambertville City Council, acting as redevelopment entity for the City of Lambertville, hereby approves the proposed form of Redevelopment Agreement with Developer for the Project contemplated therein, and that the Mayor and the City Clerk of the City of Lambertville are hereby authorized to execute the Redevelopment Agreement in substantially the form attached hereto, along with any other documents and/or agreements that may be necessary to implement the Redevelopment Agreement in accordance with the Redevelopment Plan; and be it further

**BE IT FURTHER RESOLVED**, that the form of Redevelopment Agreement to be executed may contain reasonable changes deemed necessary by the Mayor or the City's special redevelopment council.

## Resolution Number 2005-70

*Resolution Approving Appraisal Reports and Authorizing Condemnation Action Pursuant to the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 et seq. and Eminent Domain Law, N.J.S.A. 20:3-1 et seq.*

**WHEREAS**, pursuant to Ordinance No. 2005-02 (“Ordinance”), the City of Lambertville authorized the acquisition and/or condemnation of real property designated as “to be acquired” on that certain redevelopment plan for the Connaught Hill Redevelopment Area (the “Area”); and

**WHEREAS**, pursuant to said Ordinance, the City’s special redevelopment counsel, namely the firm of Windels Marx Lane & Mittendorf, LLP (“WMLM”), or any attorney associated with such firm was authorized and directed to perform or carry out or cause to be performed or carried out, studies, surveys, tests, soundings, borings, appraisals, title searches and title report reviews as reasonable necessary to determine the value of any of the properties, the location and quality of any of the properties and any environmental matters associated with any of the properties and to undertake any action necessary or appropriate to acquire the real properties identified in the Ordinance; and

**WHEREAS**, in connection therewith several reports were commissioned by various professionals including various appraisal reports all prepared by Vanguard Appraisal Services for the following properties: Block 1089, Lots 13 and 14, Block 1088, Lots 13, 14, 16, 17, and 18 (“Subject Properties”) which reports are further described below (the “Appraisal Reports”); and

**WHEREAS**, WMLM has reviewed and analyzed the Appraisal Reports;

**NOW, THEREFORE, BE IT RESOLVED**, the City Council hereby approves the Appraisal Reports and accepts the value of the properties appraised therein as of the dates identified in the following table:

Property Block/Lot	Appraisal Report Date	Appraised Value as of such date
1089/13 and 14	May 24, 2005	\$62,000
1088/18		\$8,500
1088/16 & 17	May 16, 2005	\$62,000
1088/14	May 16, 2005	\$8,000
1088/13	May 9, 2005	\$8,000

**BE IT FURTHER RESOLVED**, that, in connection with the Ordinance and pursuant to the Eminent Domain Law and the Local Redevelopment and Housing Law the City hereby authorizes WMLM, or any attorney associated with WMLM to file and pursue any condemnation action, as necessary to acquire legal title to the Subject Properties.

**BE IT FURTHER RESOLVED**, that the Mayor and City Clerk and such other officers as may be necessary are hereby authorized execute and deliver any paper, form, or document



necessary or appropriate to acquire the Subject Properties pursuant to the forgoing resolutions.

**BE IT FURTHER RESOLVED**, that a duly executed copy of this resolution shall be filed in the office of the City Clerk, and transmitted to the City Attorney and to WMLM.

I, Loretta Buckelew, City Clerk of the City of Lambertville in the County of Hunterdon in the State of New Jersey, do hereby certify that the foregoing is a correct and true copy of a resolution adopted on August 8, 2005, by the Mayor and City Council of the City of Lambertville in the County of Hunterdon in the State of New Jersey.

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Loretta Buckelew  
City Clerk

**Resolution Number 2005-75**

**"Community Development Block Grant – Connaught Hill Park"**

**WHEREAS**, the City of Lambertville has submitted an application for a Small Cities Community Development Block Grant to the New Jersey Department of Community Affairs for a public facilities grant for recreation improvements on Connaught Hill; and

**WHEREAS**, the City of Lambertville must make efforts to affirmatively further fair housing; and

**WHEREAS**, the City of Lambertville has reviewed various actions that would be acceptable to the New Jersey State Department of Community Affairs and the U.S. Department of Housing and Urban Development;

**WHEREAS**, the City of Lambertville will make assurances in the grant agreement, if awarded, that:

1. It will comply with the Housing and Community Development Act of 1974, as amended, and regulations issues thereto; and
2. It will comply with the Civil Rights Act of 1964, and regulations issued thereto it; and
3. It will comply with the Fair Housing Act of 1968 and will affirmatively further fair housing; and
4. It will comply with the Age Discrimination Act of 1975 and with the Rehabilitation Act of 1973.

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and City Council of the City of Lambertville, in the County of Hunterdon, State of New Jersey, that Loretta Buckelew, City Clerk, shall be designated as the Fair Housing Officer for the City of Lambertville; and

**BE IT FURTHER RESOLVED**, that the Fair Housing Officer shall provide fair housing advisory services and assistance and referral advice to persons requesting such assistance from the City of Lambertville; and

**BE IT FURTHER RESOLVED** that the City of Lambertville will conduct a public information and outreach campaign to publicize the City of Lambertville's fair housing services.

I, Loretta Buckelew, City Clerk of the City of Lambertville in the County of Hunterdon in the State of New Jersey, do hereby certify that the foregoing is a correct and true copy of a resolution adopted on August 30, 2005, by the Mayor and City Council of the City of Lambertville in the County of Hunterdon in the State of New Jersey.

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Loretta Buckelew  
City Clerk

**Resolution Number 2005-76 "Adoption of Citizen Participation Plan"**

**WHEREAS**, the City of Lambertville has from time to time participated in the federal Community Development Block Grant (CDBG) program through the New Jersey Department of Community Affairs (DCA); and

**WHEREAS**, the City of Lambertville will continue to comply with the Citizen Participation requirements of the CDBG program.

**NOW, THEREFORE, BE IT RESOLVED**, by the Mayor and Council of the City of Lambertville, County of Hunterdon, State of New Jersey that the City adopts the Citizen Participation Plan as provided by DCA for the CDBG program.

I, Loretta Buckelew, City Clerk of the City of Lambertville in the County of Hunterdon in the State of New Jersey, do hereby certify that the foregoing is a correct and true copy of a resolution adopted on August 30, 2005, by the Mayor and City Council of the City of Lambertville in the County of Hunterdon in the State of New Jersey.

---

Loretta Buckelew  
City Clerk

**Resolution Number 2005-90 - "Awarding of Connaught Hill Drainage Project – Phase I"**

**WHEREAS**, the City of Lambertville, in conjunction with West Amwell, previously advertised and subsequently received bids for the Connaught Hill Drainage Improvement Project on March 15, 2005; and

**WHEREAS**, those bids exceeded the original funding that was available for this project; and

**WHEREAS**, the City of Lambertville, in conjunction with West Amwell Township, provided additional funding and subsequently rejected the original bids, re-advertised and received the following new bids on October 3, 2005, as outlined on the attached summary of bids; and

<u>Contractor</u>	<u>Phase I</u>	<u>Phase II</u>
Seminole Contracting Co., Lambertville, NJ	\$572,543.45	\$985,956.09
Jonico, Lambertville, NJ	\$651,330.00	\$1,033,150.00
M.S.P. Construction Corp., Newark, NJ	\$625,985.00	\$1,061,151.00
Renda Roads Inc., Whitehouse, NJ	\$782,952.50	\$1,274,951.50

**WHEREAS**, Robert J. Clerico, City and Township Engineer, has reviewed the submitted bids and determined that Seminole Contracting Co. LLC, 614 Brunswick Pike, Lambertville, New Jersey 08530 submitted the lowest responsive bid for Phase I (\$572,543.45) and 2 Contract (\$985,956.09); and

**WHEREAS**, Robert J. Clerico, City and Township Engineer recommends the award of the Connaught Hill Drainage Improvement Contract to Seminole Contracting Co., 614 Brunswick Pike, Lambertville, New Jersey 08530; and

**WHEREAS**, the Township of West Amwell adopted resolution number 05-150 recommending the award of the Phase I Connaught Hill Drainage Improvement Project to Seminole Contracting with certain conditions; and

**WHEREAS**, the City of Lambertville has appropriated sufficient funds to and feels it is the Municipalities' best interest to award Phase I bid at this time;

**NOW, THEREFORE, BE IT RESOLVED** that the Mayor and City Council of the Lambertville hereby award the Phase I Connaught Hill Drainage Improvement Project to Seminole Contracting, 614 Brunswick Pike, Lambertville, New Jersey 08530 in the amount of \$572,543.45, subject to the following conditions:

1. The Contract is awarded as a unit price bid Contract and final payment will be based upon the actual quantities installed at the unit prices bid, as outlined in Plans and Specifications prepared by Robert J. Clerico, P.E., City and Township Engineer.
2. The Contract is subject to review and approval by the New Jersey Department of Transportation, Bureau of Local Aid Projects, along with any other agencies providing funding for the project.

I, Loretta Buckelew, City Clerk of the City of Lambertville in the County of Hunterdon in the State of New Jersey, do hereby certify that the foregoing is a correct and true copy of a resolution adopted on October 17, 2005, by the Mayor and City Council of the City of Lambertville in the County of Hunterdon in the State of New Jersey.

\_\_\_\_\_  
Loretta Buckelew, City Clerk

**Resolution Number 2005-102**

**“Authorizing Execution of the Certificate of Completion for Block 1089, Lot 15”**

**WHEREAS**, the City of Lambertville entered into a Redevelopment Agreement with Raritan Valley Habitat for Humanity, Inc. on December 15, 2003 for various blocks and lots; and

**WHEREAS**, in accordance with the provisions of Section 4.8 of the Redevelopment Agreement as it pertains to Block 1089, Lot 15 the City of Lambertville certifies the following:

1. That the acquisition, construction and installation of the Project has been completed substantially in accordance with the Redevelopment Agreement and the plans and specifications applicable thereto, that all the requirements of the Redevelopment Agreement have been complied with and that the project is now being occupied; and
2. That the project was substantially completed in accordance with the Project Schedule, as extended or amended with the City’s consent; and
3. That all requirements of the Declaration have been complied with.

**WHEREAS**, in accordance of Section 6(c) of the Declaration of Covenants the recording of the Certificate of Completion shall terminate and remove of record all of the terms and conditions of the Declaration (except as otherwise provided in the attach), including, without limitation, any findings that the project subject to this Certificate of Completion demonstrated conditions that qualified it as “an area in need of redevelopment”;

**NOW, THEREFORE, BE IT RESOLVED**, that the Mayor and City Council of the City of Lambertville authorize David M. DelVecchio, Mayor to execute the Certificate of Completion for the single family home located at Block 1089 Lot 15 in the City of Lambertville.

I, Loretta Buckelew, City Clerk of the City of Lambertville in the County of Hunterdon in the State of New Jersey, do hereby certify that the foregoing is a correct and true copy of a resolution adopted on December 19, 2005, by the Mayor and City Council of the City of Lambertville in the County of Hunterdon in the State of New Jersey.

\_\_\_\_\_  
Loretta Buckelew, City Clerk

**REQUEST FOR PROPOSALS**  
**REQUEST FOR QUALIFICATIONS**

**CONNAUGHT HILL**  
**REDEVELOPMENT PROJECT**

**City of Lambertville**  
**Hunterdon County, New Jersey**

**ISSUE DATE: March 1, 2006**

**DUE DATE: April 28, 2006**

**Issued by:**

**City of Lambertville**  
**18 York Street**  
**Lambertville, NJ 08530**  
**David M. DelVecchio, Mayor**

# TABLE OF CONTENTS

<b>SECTION ONE: INTRODUCTION AND GENERAL INFORMATION.....</b>	<b>3</b>
<b>REDEVELOPMENT AREA DESCRIPTION.....</b>	<b>3</b>
<i>Executive Summary.....</i>	<i>3</i>
<b>RESPONDENT ARE ENCOURAGED TO SUBMIT A PROPOSAL FOR REDEVELOPMENT OF ALL OR ANY PORTION OF THE REDEVELOPMENT AREA.....</b>	<b>3</b>
<b>REDEVELOPMENT GOALS AND OBJECTIVES.....</b>	<b>4</b>
<i>Redevelopment Goals and Objectives.....</i>	<i>4</i>
<b>FINANCING.....</b>	<b>4</b>
<b>REDEVELOPMENT AREA PARTICIPANTS.....</b>	<b>4</b>
<b>RFP/RFQ DOCUMENTS.....</b>	<b>4</b>
<b>SECTION TWO: REDEVELOPMENT AREA DESCRIPTION.....</b>	<b>5</b>
<b>REGIONAL LOCATION AND HISTORY.....</b>	<b>5</b>
<i>Land Uses.....</i>	<i>6</i>
<i>Buildings &amp; Improvements – Conditions and Arrangement.....</i>	<i>6</i>
<b>RESPONDENTS ARE ENCOURAGED TO SUBMIT A PROPOSAL FOR REDEVELOPMENT OF ALL OR ANY PORTION OF THE REDEVELOPMENT AREA.....</b>	<b>6</b>
<b>SECTION THREE: INSTRUCTIONS FOR PREPARATION AND SUBMISSION OF RESPONSES.....</b>	<b>6</b>
<b>SUBMISSION OF RESPONSES: TIME AND PLACE.....</b>	<b>6</b>
<b>QUESTIONS/CLARIFICATIONS REQUEST.....</b>	<b>7</b>
<b>COST OF PREPARATION.....</b>	<b>7</b>
<b>FAMILIARITY WITH REDEVELOPMENT AREA.....</b>	<b>7</b>
<b>DISCLOSURE OF INFORMATION.....</b>	<b>8</b>
<b>WITHDRAWAL.....</b>	<b>8</b>
<b>RESPONSE ACCEPTANCE OR REJECTION.....</b>	<b>9</b>
<b>DISPOSAL OF RESPONSES.....</b>	<b>9</b>
<b>SUBMISSION REQUIREMENTS.....</b>	<b>9</b>
<i>Completeness.....</i>	<i>9</i>
<i>Number of Copies.....</i>	<i>9</i>
<i>Organization.....</i>	<i>10</i>
<i>Executive Summary; Letter of Intent, Acknowledgment of Addenda.....</i>	<i>10</i>
<i>General Information.....</i>	<i>10</i>
<i>Administrative Information.....</i>	<i>11</i>
<i>Financial Information.....</i>	<i>13</i>
<i>Technical and Other Related Information.....</i>	<i>13</i>
<i>Proposed Development Plan.....</i>	<i>15</i>
<i>Supplemental Information to be Provided at Respondent’s Option.....</i>	<i>15</i>
<b>SECTION FOUR: RESPONSE EVALUATION AND SELECTION.....</b>	<b>16</b>
<b>EVALUATION CRITERIA.....</b>	<b>16</b>

<b>SELECTION PROCESS.....</b>	<b>17</b>
<b>CONDITIONS.....</b>	<b>17</b>
<b>RIGHTS OF THE CITY.....</b>	<b>19</b>
<b>ANTICIPATED SELECTION SCHEDULE.....</b>	<b>20</b>



## **SECTION ONE: INTRODUCTION AND GENERAL INFORMATION**

### **1.1 Redevelopment Area Description**

#### **1.1.1 Executive Summary**

The City of Lambertville (the "City") initiated the redevelopment process for the area of the City known as "Connaught Hill" in early 2001. Following an examination of a preliminary investigation of this area, the Planning Board recommended that the City Council officially designate the Connaught Hill area as a "redevelopment area" pursuant to N.J.S.A. 40A:12A-1 et seq. On May 21, 2001, the City Council accepted the Planning Board's recommendation and directed it to prepare a redevelopment plan for this area. The Connaught Hill Redevelopment Plan (the "Redevelopment Plan") was then prepared, reviewed by the Planning Board and adopted by the City Council on November 18, 2003.

This request for Proposals/Request for Qualifications ("RFP/RFQ") relates to all or any part of the Connaught Hill Redevelopment Area (the "Redevelopment Area"), except for Block 1087, Lot 13; Block 1088, Lot 21; Block 1087, Lots 8-10. The Redevelopment Plan is included in Appendix A of this RFP/RFQ.

The Redevelopment Area that is the subject of this RFP/RFQ includes the property bounded by Route 179 to the north, Grant Avenue to the west, Coryell Road to the south and the City boundary to the east. This area encompasses Blocks 1086-1089 and 1092-1094.

The Redevelopment Area constitutes approximately thirteen (13) acres of land. The predominant land use in the Redevelopment Area is residential, which accounts for approximately 70% of the total acreage or nine (9) acres. There is one lot that contains a facility for religious use. The remaining land area – approximately three (3) acres – is vacant land.

The Redevelopment Plan is intended to set forth a coordinated program for redevelopment and rehabilitation that will stabilize and reinforce the residential neighborhoods in the Redevelopment Area, eliminate conflicting land uses and develop the vacant land. It is the intention of this RFP/RFQ, the Redevelopment Plan and the City Council to actively negotiate and finalize a Redeveloper Agreement that will set forth a practical strategy for planned residential use that is consistent with the intent of the Redevelopment Plan.

### **RESPONDENTS ARE ENCOURAGED TO SUBMIT A PROPOSAL FOR REDEVELOPMENT OF ALL OR ANY PORTION OF THE REDEVELOPMENT AREA.**

#### **1.1.2 Redevelopment Goals and Objectives**

The Redevelopment Plan sets forth particular goals and objectives. The Respondent to this RFP/RFQ should ensure that the development plan set forth in a formal Response is consistent with, and wholly promotes, these goals and objectives articulated in the Redevelopment Plan:

- A. The development of residential housing consistent with community design goals to meet varying income requirements as well as provide recreational opportunities.
- B. Accessibility to public sewer and public water or an alternate source of potable water, rather than individual private wells.
- C. The creation of new public park areas for passive and active recreation, including the development of a playground.

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### **1.2 Financing**

The City reserves the right to determine whether certain financial incentives should be offered to the successful Respondent(s). If invited to enter into future discussions, the Respondent(s) will be required to detail the structure of their financing proposal identifying private and/or public financing sources, if any.

### **1.3 Redevelopment Area Participants**

City of Lambertville Council

Mayor: David M. DelVecchio (609) 397-0110

City Attorney: Philip J. Faherty III, Esq. (609) 397-0900

City Redevelopment Attorney: Robert Roesener (732) 448-2525

City Address: Lambertville City Hall  
18 York Street  
Lambertville, NJ 08530

### **1.4 RFP/RFQ Documents**

Each Respondent should inspect its copy of the RFP/RFQ to ensure that a complete set of the documents, (including any Appendices) are included. All required items set forth in Section 3 of this RFP/RFQ shall be submitted. If a Respondent discovers that his, her or its copy of the RFP/RFQ is incomplete, it should immediately contact Loretta Buckelew, City of Lambertville Clerk, at the above address. The City will make appropriate and reasonable arrangements with the Respondent to provide any missing items. A Respondent must prepare its Response using a complete RFP/RFQ, including any addenda issued by the City prior to the date established for submission of the RFP/RFQ. Neither the City, nor its agents or employees, shall be responsible for errors, omissions, incomplete submissions or misinterpretations resulting from the Respondent's use of an incomplete RFP/RFQ in preparing or submitting its Response.

The RFP/RFQ has been made available only for the purpose of soliciting Responses related to the development of the Redevelopment Area as generally described in this RFP/RFQ. No license or grant is conferred or implied to the Respondent or to any other person for any purpose.

## **SECTION TWO: REDEVELOPMENT AREA DESCRIPTION**

### **2.1 Regional Location and History**

The historic city of Lambertville is located on the Delaware River, approximately fifteen (15) miles north of Trenton. Over the past twenty (20) years, the City has experienced significant revitalization in the downtown area.

Connaught Hill is the central promontory of the three bluffs that dominate the City's eastern half. Defined by Route 179 to the north, Route 29 to the east and Swan Creek to the south, Connaught Hill extends into West Amwell Township as a plateau. Residential development is concentrated in "The Commons," a neighborhood that exists on both sides of the Lambertville and West Amwell borders. The area was subdivided into a grid pattern of streets and narrow lots typical of the early 1900s. Originally, the only access to the area was Old York Road due to the difficult topological constraints of the bluff.

The City Council described the Redevelopment Area as an area in which obsolete and poorly maintained buildings, vacant lots, illegal dumping and inadequate residential facilities have occurred among well-

maintained and attractive buildings and grounds. These conditions have been concentrated in the Redevelopment Area, that is, the area bounded by Route 179, Grant Avenue, Coryell Road and the City boundary. This area encompasses Blocks 1086-1089 and 1092-1094 on the City's tax assessment records.

The City has undertaken a number of initiatives in this area to improve living conditions, including cooperative arrangements with its residents as well as those in West Amwell Township. In the late 1980s, Community Development Block grant funds were utilized to construct sanitary sewer interceptors. This installation alleviated potentially unsanitary on-site septic systems and cesspools.

The City Council has expressed its concern that the potential for blighting conditions could negatively impact the private property investments that have been made by certain homeowners in the Redevelopment Area. As such, the City Council has adopted the Redevelopment Plan in order to initiate the rehabilitation and revitalization of the Redevelopment Area.

The City will provide copies, upon receipt of a written request, of any environmental reports on the properties in question that are in the City's possession. There will be a copying charge for any such documents reproduced by the City.

#### 2.1.1 Land Uses

The Redevelopment Plan (see Appendix A) sets forth a general redevelopment program recommended for the Redevelopment Area.

#### 2.1.2 Buildings & Improvements – Conditions and Arrangement

The Respondent to this RFP/RFQ should become thoroughly familiar with property conditions throughout the City and the Redevelopment Area, and should be prepared to provide a formal Response that sets forth a comprehensive strategy for rehabilitation and redevelopment.

### **RESPONDENTS ARE ENCOURAGED TO SUBMIT A PROPOSAL FOR REDEVELOPMENT OF ALL OR ANY PORTION OF THE REDEVELOPMENT AREA.**

### **SECTION THREE: INSTRUCTIONS FOR PREPARATION AND SUBMISSION OF RESPONSES**

#### **3.1 Submission of Responses: Time and Place**

Responses shall be submitted to the City on or before 4 p.m. prevailing time on **May** \_\_\_\_\_ and shall include a non-refundable application fee in the amount of \$250.00 per dwelling unit proposed. Checks should be made payable to the City of Lambertville. This fee is intended to cover the City's costs for review of the Response Package; however, the City is not required to specifically account for such costs. Responses shall be enclosed in an opaque, sealed envelope, marked with the name and address of the Respondent, directed to:

**Loretta Buckelew  
City of Lambertville Clerk  
City Hall  
18 York Street  
Lambertville, NJ 08530**

One (1) original and nine (9) copies of the Response shall be submitted and received **BY HAND DELIVERY, CERTIFIED MAIL/RETURN RECEIPT REQUESTED OR OVERNIGHT COURIER** on or prior to the above-referenced time. One of the copies shall be unbound.

**All Responses submitted will remain unopened until the time and date established for the Response opening.** Any Response or portions thereof that are submitted and received after the specified deadline will be marked "received late" and will be returned unopened to the firm submitting same.

The delivery of the Response to the City on the above date and prior to the time specified herein is solely and strictly the responsibility of the Respondent. The City shall not under any circumstances be responsible for the loss of, delay or non-delivery of any Response sent or delivered, by mail or otherwise, prior to the Response opening.

### **3.2 Questions/Clarifications Request**

Questions pertain to the RFP/RFQ should be directed in writing and received no later than **April \_\_\_\_\_** to:

**Loretta Buckelew, City Clerk  
Or Rob Roesener, City Redevelopment Attorney**

During the period provided for the preparation of Responses, the City may issue addenda or amendments to the RFP/RFQ. These addenda will be numbered consecutively and will be distributed to each of the firms that have requested, in writing, to receive a copy of the RFP/RFQ. Each Respondent is required to acknowledge receipt of all addenda at the time of submission of the Response by submitting an executed acknowledgement. All Responses to the RFP/RFQ shall be prepared with full consideration of the addenda issued prior to the Response submittal date.

### **3.3 Cost of Preparation**

Each Response and all required information pursuant to the RFP/RFQ shall be prepared at the sole cost and expense of the Respondent. There shall be no claims whatsoever against the City, its staff, or its consultants for reimbursement for the payment of costs or expenses incurred in the preparation of the Response or other information related in any way to the RFP/RFQ.

### **3.4 Familiarity with Redevelopment Area**

It is the responsibility of each Respondent before submitting a Response to (a) examine the RFP/RFQ thoroughly, (b) become familiar with and consider all federal, State and local laws, regulations, ordinances, permits, approvals and orders that may affect the cost, performance or furnishing of the proposed Redevelopment Area, and (c) inspect the Redevelopment Area and any surrounding premises, at it deems necessary and fully inform itself to any material or relevant factors, including ecological, environmental, topographic, subsurface, geological, ground water or other legal, economic, sociological, legal or regulatory facts or circumstances relative to the Redevelopment Area and its proposal; and (d) notify the City of all conflicts, errors or discrepancies in the RFP/RFQ, or any other factors it deems material to its proposal or to the development of the Redevelopment Area.

Before submitting a Response, each Respondent, at its own expense, shall make or request or obtain any additional inspections, examinations, or studies and obtain any additional data and information that may affect ~~its cost, progress, performance or furnishing of the services that the Respondent deems necessary to compile its~~ Response. The failure or mission of the Respondent to receive and examine any form, instrument or document,

or to make required inquiries, shall not relieve the Respondent from any obligations and responsibilities relating to the development of the Redevelopment Area.

The submission of a Response will constitute a conclusive and binding representation by a Respondent that such Respondent has agreed to, and complied with, every requirement of the RFP/RFQ. As part of a Respondent's response to RFP/RFQ, a Letter of Intent, fully executed by the Respondent's principals, must be included, in the form of the Letter of Intent set forth in Appendix B of this RFP/RDQ.

### **3.5 Disclosure of Information**

If the Respondent chooses to include material of a proprietary nature in the Response, the City will use reasonable efforts to keep such material confidential to the extent permitted by applicable law. The Respondent must specifically identify each page of its Response that contains such information by properly marking the applicable pages. Preferably, any sections that contain material of a proprietary nature shall be severable or removable from the Response to assist the City in protecting this information. The Respondent also shall include the following notice in the introduction of the relevant Response:

*"The data on pages \_\_\_\_\_ identified by \_\_\_\_\_ and labeled "Proprietary Information", contain information that is a trade secret and/or which, if disclosed, would cause substantial injury to (Respondent's) competitive position. (Respondent) requests that such data be used only for the evaluation of the Response, and understands that disclosure will be limited only to the extent that the City determines it proper or to the extent that the City deems disclosure necessary according to law."*

The City assumes no liability for any loss, damage, or injury that may result from any disclosure or use of marked data or any disclosure of this or other information.

The City reserves the right to place any Responses on public display and/or make Responses available for public review.

### **3.6 Withdrawal**

A Respondent may request withdrawal its Response prior to the date and time set for the opening of the Responses provided that a written request to withdraw the Response is hand delivered to the City, by or on behalf of, an accredited representative of the Respondent, or the request is delivered by certified U.S. Mail. The request to withdraw the Response must be received by the City prior to commencement of Response opening. While City will seek to honor such withdrawal request, City shall incur no liability for failure to do so.

### **3.7 Submission Requirements**

The City reserves all rights set forth in Section 4.4 hereof.

### **3.8 Disposal of Responses**

All responses are the property of the City and will not be returned. At the conclusion of the selection process, the City may dispose of any and all copies of responses received in whatever manner it deems appropriate. However, prior to such disposal, the City will use reasonable efforts to prevent the unauthorized disclosure of proprietary information, provided it is properly identified in accordance herein. In no event will the City assume liability of any loss, damage or injury that may result from any disclosure or use of marked data.

### **3.9 Submission Requirements**

All responses must be submitted complete with all requested information and are to be in conformance with the instructions set forth herein and as required by subsequent addenda, if and as applicable. The Response and all related information must be bound and must be signed and acknowledged by the Respondent in accordance with the directions herein.

The Respondent(s) are referred to the following sections hereof, which summarize the documents and required information pursuant to this RFP/RFQ.

### 3.9.1 Completeness

Each of the instructions set forth in Section 3 must be followed in order for a Response to be deemed responsive to the RFP/RFQ. In all cases, the City reserves the right to determine, in its sole discretion, whether any aspect of the Response meets the submission requirements of the RFP/RFQ. The City reserves the right to reject any Response that, in its sole judgment, does not comply with the submission guidelines set forth in this RFP/RFQ. In addition, notwithstanding any of the provisions hereof, the City reserves the right to waive any informality in the Responses.

### 3.9.2 Number of Copies

One (1) copy of the response must be clearly marked as the original and must contain the original documents. The remaining nine (9) copies may be reproductions. Respondents shall number each set of documents sequentially (numbers 1-10, with number 1 being the original) on the upper right hand corner of each cover.

### 3.9.3. Form

The Respondent shall provide the appropriate information required for each Section in accordance with the following content and format requirements.

- Each volume and all related information shall be bound as a single document. One of the copies shall be unbound. If this is impractical, an Exhibit document accompanying the volume may be submitted.
- The responses shall be concise, clear, factual, and complete with a minimum of extraneous material.
- The response shall be indexed and sectioned and shall be prefaced with a table of contents.
- The response documents shall be typed or printed on 8-1/2" x 11" paper.
- Maps and drawings should be included.

### 3.9.4. Organization

Responses submitted in response to the RFP/RFQ shall consist of the following:

- Section I:** *Executive Summary, Letter of Intent, Acknowledgement of Addenda (pursuant to Section 3.9.5)*
- Section II:** *General Information/Administrative (pursuant to Section 3.9.6 and 3.9.7)*
- Section III:** *Financial Qualifications (pursuant to Section 3.9.8)*
- Section IV:** *Technical Qualifications (pursuant to Section 3.9.9)*
- Section V:** *Proposed Development Plan (pursuant to Section 3.9.10)*
- Section VI:** *Supplemental Information (pursuant to Section 3.9.11)*

### 3.9.5 Executive Summary; Letter of Intent; Acknowledgment of Addenda

Section I of the response shall contain the Respondent's Executive Summary, Letter of Intent (See Appendix B of this RFP/RFQ) and Acknowledgment of Addenda (on the Respondent's official letterhead). The Executive Summary shall include a summary of all key points of the Response including Respondent's Proposed Development Plan.

### 3.9.6 General Information

Section II of the response shall contain the following information set forth in the following order:

- A. The name, address and telephone number of the Respondent's primary business office. If the Respondent's primary business office is located outside of the State, give the address and telephone number of the New Jersey location, if any, that will be responsible for participating in this selection process and the project.
- B. Identify the parent company and any subsidiary or affiliated companies of the Respondent, giving the names, addresses and telephone numbers of each company.
- C. Key Personnel – Provide resumes of all key personnel, and any other information that would describe the strength and depth of your organization.
- D. Optional (if known at this time) – Whether the Respondent intends to joint venture, partner or subcontract with any other company or firm or other entity in the submission of a response. If so, identify such joint venture, partner or subcontractor and provide for each the same information as required of the Respondent in paragraphs A and B above. Describe in narrative form the proposed contractual relationship and responsibilities, written or otherwise, of each of the firms or companies that will be participating.
- E. In connection with the above, provide:
  1. a complete identification of all principals or officers of any entities, firms, arrangements, associates, joint ventures, partnerships, or involvements described above;
  2. complete identification of all principals holding ten percent (10%) or more of net equity and all officers of all firms or entities so named; and
  3. a complete list of all criminal charges and civil environmental complaints, brought against any of those entities, firms or persons that have been involved in any way with Respondent as identified in the foregoing answers and the disposition of all such criminal charges and/or civil environmental complaints, if any.

### 3.9.7 Administrative Information

- A. Redevelopment Area Organization
  1. The Respondent shall submit a Redevelopment Area Organization Plan for this project. The plan should describe, in narrative form and as a chart, the Respondent's proposed organization structure for this project. The chart shall display:

- the firms involved, their interrelationships and responsibilities (if know); and
- key management personnel identified by name and firm.

Resumes of key personnel to be assigned to the redevelopment project are to be provided in the Response. This includes the resumes and experience of the people or firm that the Respondent will utilize in implementing the project.

- B. Describe briefly any significant pending legal and administrative proceedings (other than ordinary routine litigation incidental to Respondent's business) in which the Respondent, its officers, directors, employees or principals is a party or of which any of their property is the subject. Include the name of the court or agency in which the proceedings are pending, the date instituted, and the principal

parties thereto, a description of the factual basis alleged to underlie the proceeding and the relief sought. Include similar information as to any such proceedings known to be contemplated by governmental authorities. Administrative or judicial proceedings arising under any federal, state, or local laws or ordinances that have been enacted or adopted for purposes of environmental protection shall not be deemed "ordinary routine litigation incidental to the business" and shall be described.

- C. Describe briefly any occasion in which Respondent, any officer or principal Respondent with a proprietary interest therein, has ever been disqualified, removed or otherwise prevented from bidding on, participating in, or completing a federal, state, or local governmental project because of a violation of law or a safety regulation.
- D. Describe briefly any occasion in which Respondent has been in a position of default in a federal, state or local government project, such that payment proceedings and/or execution on a payment, performance or bid bond have been undertaken.
- E. Has the Respondent or any of its officers refused to testify or waive immunity before any state or federal grand jury relating to any public construction project within the last ten years? If so, provide details.
- F. If multiple organizations are participating (e.g., subsidiaries, parent companies, joint ventures and/or subcontractors), the information requested in this Section 3.9.7 should be provided regarding each of the respective organizations.

### 3.9.8 Financial Information

Respondent shall provide the following information in Section III of the Response:

- A. A summary of the amount and source of investment capital (debt and equity) anticipated to be available for the successful development of the Redevelopment Area.
- B. A list of three (3) financial references, including a banking reference, noting the name, address and telephone number.
- C. Financial statements (audited preferred) for the general partner or controlling entity of the development team for the last three (3) years.
- D. Evidence of its ability to secure builder's risk insurance and performance bonding capacity.
- E. Provide information that will support the financial stability of Respondent's firm.
- F. Disclose any negative information that would be deemed material under generally accepted accounting practices and, in addition thereto, any history of entry of judgments, bankruptcy, insolvency, receivership, or similar declaration or status determination with respect to individuals or entities associated with the Respondent or any entity or affiliate therefore or individuals, or entities that are principals of said Respondent.
- G. Provide specific information on how Respondent's firm has financed major projects. Indicate the source and amount of debt and equity funds Respondent's firm has arranged in the past.
- H. Specifically indicate if Respondent's firm has provided its own equity units projects and, if so, to what extent.

### 3.9.9 Technical and Other Related Information

Section IV of the response shall contain Respondent's technical and related experience. Respondents to the RFP/RFQ shall demonstrate their ability to undertake the project by providing the technical qualifications of the Respondent, principal subcontractors, and individual team members. The City reserves the right to conduct an independent investigation of the Respondent's and its subcontractors' technical qualifications by contacting project references, accessing public information, or contacting independent parties. Additional information may be requested during the evaluation of technical qualifications. At a minimum, the Respondent and its subcontractors shall provide the following information to demonstrate its technical qualifications:

- A. Summary of Related Projects



Respondent(s) shall include a description of its prior projects, with particular emphasis on projects that are similar to the proposal for redevelopment of the Redevelopment Area. The portfolio may include visual and descriptive information sufficient to judge the quality and use of the project. For each project, Respondent(s) shall provide the following information:

- Description of each project in terms of use, size, cost, location, and other pertinent factors. Specify the scope, cost, time to completion, completion date and sources of funding for all projects.
- Description of Respondent's role and responsibilities during development.
- List of development partners, if any.
- Method of financing, including names of institutions that provided debt and equity. Financial performance of the project, including return on investment, return on equity, and return on gross revenue.
- Redevelopment Area team, including architects, engineers, attorneys and others.
- Respondent's role in managing the facility after completion.
- Demonstrate the project's post-construction success in terms of design, use, construction, management, income, employment, tax assessment, and associated expansions or spin-off development.
- Discuss any unanticipated problems with any of the above issues, as well as discussion of how the Respondent has address them.

B. Project Operations

- Identify the current ownership and/or property management for each project.
- Provide contact names, addresses and telephone numbers for each of these.
- List any project default sine which any of the principals have been a general partner or had a controlling ownership interest during the last 10 years.

C. Current or Pending Projects

Briefly describe any current or pending projects being undertaken by all members of the Respondent's team. Identify the current and future workload of staff members being assigned to this project. Identify the location of any current project, and include a contact name, address, and telephone number for each current client.

D. Project References

Include three (3) references for clients for whom the Respondent has provided similar projects, indicating whether the work was that of the Respondent and/or specific staff who will be assigned to the Redevelopment Area. Identify the client contact name, organization, type of work provided, and the contact's address, telephone number and e-mail (if applicable). Respondent shall indicate whether any of these clients were public entities.

### 3.9.10 Proposed Development Plan

Section V of the Response shall contain the Respondent's proposed Development Plan for all the Redevelopment Area. The proposed Development Plan shall include details for:

- building design, locations and footprints;
- conceptual floor plans;
- conceptual architectural elevations;

- description of project amenities;
- projected sales prices;
- project timeline;
- list of properties to be acquired;
- existing and proposed street and lot layout, with dimensions;
- proposed easements and rights-of-way;
- potable water;
- points of access;
- buffers, landscaping and general streetscape; and
- other infrastructure.

Proposed Development Plans may include multiple or alternate conceptual scenarios for the proposed development. Where appropriate, the proposed Development Plan may also include schematic architectural drawings.

In conjunction with the preparation of the proposed Development Plan, Respondent(s) shall prepare a written summary of the proposed development program including proposed uses and an estimated cost to develop, including a description of Respondent's proposed financing plan.

#### 3.9.11 Supplemental Information to be Provided at Respondent's Option

- The Respondent shall include in Section VII any other information that it deems relevant or useful for the City to consider in evaluating Respondent's response. Respondents should also include any concerns regarding this project or any information or suggestions that the Respondent deems relevant to the City.

## **SECTION FOUR: RESPONSE EVALUATION AND SELECTION**

### **4.1 Evaluation Criteria**

Generally, the City will identify Qualified Respondents giving due regard to past experience, the proposed Development Plan, as well as financial strength and other qualifications and experience which, in the sole discretion of the City, are relevant. Only those Respondents that are deemed qualified by the City will be considered. Notwithstanding anything else stated herein, the City reserves the right to select or reject a Respondent on any basis it deems appropriate, or to waive any item or requirement set forth in this RFP/RFQ.

Subject to Section 3.9.1 hereof, all responses will first be evaluated to assure that they meet the requirements of the RFP/RFQ. Responses meeting the requirements set forth herein will be evaluated based upon the following criteria (not ranked in order of importance):

- Understanding of the project's goals, nature and scope.
- Level of creativity, innovativeness and resourcefulness of past projects.
- Firm and staff experience and qualifications with similar projects (redevelopment properties; joint venture or other partnerships; public entities).
- Project references.
- Firm financial strength and available capital.
- Innovativeness of development concept(s) and plan(s).
- Competency and thoroughness evidenced in the proposed Development Plan.
- Demonstrated experience in a leadership role.
- Demonstrated experience in building development projects.

- Demonstrated ability to arrange debt and equity financing for projects.
- Ability to provide superior qualified staff.
- Ability to assemble a team of recognized firms as part of the development team.
- Viability of proposed development uses.

Overall, a Qualified Respondent to this RFP/RFQ must evidence, either directly or as part of an existing or proposed joint venture, partnership or other organization of firms or through the use of subcontractors, the technical ability, financial strength and the willingness to provide the required performance-related guarantees for the services contemplated in this RFP/RFQ.

#### **4.2 Selection Process**

The City intends to select one of the Qualified Respondents to undertake negotiation of a redevelopment agreement that will set forth the obligations and responsibilities relating to the development of the Redevelopment Area and/or to assist the City in its development of the Redevelopment Area. Such negotiations will proceed for a reasonable time acceptable to the City and shall culminate in the execution of a redevelopment agreement, termination of such negotiations and City's selection of another Qualified Respondent for the commencement of negotiations, or City's abandonment or revision of the selection process contemplated by this RFP/RFQ.

Selection of a Qualified Respondent for negotiation of a redevelopment agreement will be based on the totality of the information contained in the Response, including information regarding the reputation and experience of the Respondent and their subcontractors, if any, and any other information independently obtained by or on behalf of the City.

#### **4.3 Conditions**

By responding to the RFP/RFQ, the Respondent acknowledges and consents to the following conditions relative to the submission, review and consideration of its Response:

- The issuance of the RFP/RFQ is not intended to, and shall not be construed to, commit the City or any other individual, consultant or entity to any obligation related hereto, including but not limited to the execution of any redevelopment agreement.
- The City reserves to itself the exclusive rights set forth in Section 4.4 hereof.
- The issuance of this RFP/RFQ and the means by which it is conducted is entirely at the discretion of the City and is not mandated by any public bidding or other statute or regulations. By submitting a Response in response to the RFP/RFQ, the Respondent accepts and consents to the selection process selected and implemented by the City, and the Respondent waives any and all claims to same.
- Neither the City, its staff, nor any of its consultants will be liable for any claims or damages resulting from the solicitation or collection of Responses, nor will there be any reimbursement to Respondents for the cost of preparing the Responses or for participating in the RFP/RFQ process.
- All Responses will become the property of the City and will not be returned. Respondent also agrees that by "Response," it means all information and materials submitted or to be submitted by Respondent with respect to the RFP/RFQ, regardless of whether such information is tangible or intangible and including, without limitation, all (i) documentation, pictures, drawings, notes, and revisions, and (ii) intellectual property rights related thereto.

By submitting the Response to City, Respondent permits City to use the Proposal as it sees fit, including alteration, combination with other materials (including materials not submitted by Respondent), and public display and distribution. Respondent hereby grants, and represents and covenants that it will in the future grant,

to City an unlimited, perpetual, royalty-free, transferable, sublicenseable, fully-paid up right to publicly display, distribute, use, build, design, reproduce, and make derivative works from the Proposal.

The City may, at its option, select one or more responses to the RFP/RFQ, or individual parts thereof, to be used in the redevelopment of the Redevelopment Area. The City may, but is not required to, combine parts of a Response with one or more Response(s) submitted by other persons or entities.

- All activities related to preparing a Response and the execution of a Redevelopment Agreement shall be subject to compliance with all applicable federal, State and local laws, environmental regulations and/or other applicable requirements.
- Failure of any Respondent to submit a Response that completely addresses the requirements of this RFP/RFQ (including submittal of part of such Response of all documents required to be submitted under the terms of this RFP/RFQ), at the times and in the manner specified in this RFP/RFQ, may result in the rejection of the Response at the sole discretion of the City.
- Respondents shall meet with City representatives and the general public to discuss a Response upon request of the City.
- All documentation and information provided by the City in connection with this RFP/RFQ, the attachments and Exhibits hereto, are believed to be accurate and correct, however, the City makes no guarantees as to the accuracy of the information provided. By participating in this process every Respondent hereto agrees to and acknowledges its obligation and ability to perform whatever due diligence is necessary to inform itself fully as to any relevant or material information or lack thereof is available in making a response thereto. Respondents are instructed to notify the City (in writing, directed to Loretta Buckelew, City of Lambertville Clerk, of any material information and/or lack of material information provided or omitted with respect to this solicitation and the Redevelopment Plan that it believes is not accurate and/or correct.
- The successful Respondent must, as a condition precedent to the execution of an Agreement between itself and the City, deposit pursuant to the Agreement a ten thousand dollar (\$10,000.00) escrow fee, to be replenished if and when needed. It is made a specific condition of this RFP/RFQ that this amount shall be utilized to pay the reasonable professional fees, expenses and costs of this project incurred by the City, and/or any other reasonable expenses the City, in its sole discretion deems appropriate in connection with this Redevelopment Area.

#### **4.4 Rights of the City**

The City reserves, holds, and may exercise, at its sole discretion, the following rights and options with regard to the RFP/RFQ and the redevelopment process:

- To reject, for any reason, including non-compliance or partial compliance with the RFP/RFQ, any and all Responses and components thereof and to eliminate any and all Respondents responding to the RFP/RFQ from further consideration for this selection.
- To supplement, amend, or otherwise modify the RFP/RFQ.
- To waive any technical, or other, non-conformance of the Responses whether material or otherwise.
- To change or alter the schedule for any events called for in the Anticipated Selection Schedule set forth in Section 4.5.
- To conduct investigations of any or all of the Respondents and their Responses as the City deems necessary or convenient; to clarify the information provided as part of the Response, including discussions with contact persons or prior clients, regulatory agencies and visits to any facilities or projects referenced in its Response, and to request additional information to support the information included in any Response.
- To decline to select any Respondent for any purpose.
- To decline to enter into a redevelopment agreement for any purpose.

- To abandon this selection process at the City’s convenience at any time, for any reason.
- To select a Qualified Respondent to negotiate a redevelopment agreement with based on a Response that, in the City’s sole judgment, best serves the interests of the City, the residents of the City or the region in general.
- To designate or consult with another agency, group, consultant, individual, or public body to act at any time during the term of this selection process in its place or on its behalf, consistent with applicable law.
- To enter into a redevelopment agreement with a Respondent, subject to final adoption of all necessary authorizations.

**4.5 Anticipated Selection Schedule**

Issuance of RFP/RFQ.....	April 1, 2006
Pre-Bid Meeting.....	April 15, 2006
Deadline for Receipt of Written Questions.....	April 29, 2006
Receipt of Responses (4 p.m. prevailing time).....	May 27, 2006
Proposal Review and Short-listing of Qualified Respondents.....	June 10, 2006
Qualified Respondent Interviews.....	June 16, 2006
Notification of Selected Qualified Respondent.....	June 23, 2006

**APPENDICES**

**Appendix A: Connaught Hill Redevelopment Plan**

**Appendix B: Sample Letter of Intent**

## APPENDIX B

### SAMPLE LETTER OF INTENT

**(NOTE: To be typed on Respondent's Letterhead. The City of Lambertville will accept no modifications of the language of this letter).**

\_\_\_\_\_, 2006

City Clerk  
City of Lambertville  
18 York Street  
Lambertville, NJ 08530

RE: Response to Request for Proposals/Request for Qualifications dated \_\_\_\_\_, 2006, related to Redevelopment of Connaught Hill Redevelopment Area

The undersigned, as Respondent, has submitted the attached Response to the Request for Proposals/Request for Qualifications ("RFP/RFQ") issued by the City of Lambertville (the "City") dated \_\_\_\_\_, 2006, in connection with the implementation/effectuation of a proposed contractual relationship for the Redevelopment Area as identified in the RFP/RFQ.

**(NAME OF RESPONDENT) HEREBY STATES:**

1. The Response contains accurate, factual and complete information.
2. It is the intent of **(NAME OF RESPONDENT)**, if selected, to complete and submit a Proposal for development of the Redevelopment Area as generally described in the RFP/RFQ.
3. **(NAME OF RESPONDENT)** agrees to participate in good faith in the selection process as described in the RFP/RFQ and to adhere to the City's selection schedule.
4. **(NAME OF RESPONDENT)** acknowledges that all costs incurred by it in connection with the preparation and submission of the Response prepared and submitted in response to the RFP/RFQ, or any negotiations which result there from shall be borne exclusively by the Respondent.
5. **(NAME OF RESPONDENT)** hereby declares that the only persons participating in this Response as Principals are named herein and that no person other than those herein mentioned has any participation in this Response or in any contract to be entered into with respect thereto. Additional persons may subsequently be included as participating Principals, but only if acceptable to the City. **(NAME OF RESPONDENT)** declares that this Response is made without connection with any other person, firm or parties who have submitted a Response, except as expressly set forth below and that it has been prepared and has been submitted in good faith and without collusion or fraud.
6. **(NAME OF RESPONDENT)** acknowledges and agrees that the City may modify, amend, suspend and/or terminate the selection process (in its sole judgment) and that, notwithstanding efforts of the City and the Respondent, the City may decide not to proceed with implementation of the project described in the RFP/RFQ. In either case, neither the City nor its officers, agents or representatives shall have any liability to the Respondent for any costs incurred by the Respondent with respect to the activities described in this RFP/RFQ.

7. **(NAME OF RESPONDENT)** acknowledges that by submitting a Response to the RFP/RFQ, it is agreeing and consenting to all conditions, restrictions, releases and other provisions contained therein.

(Respondent shall sign and complete the space provided below. If a joint venture, appropriate officers of each company shall sign)

(Signature of Chief Executive Officer)

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(Typed Name and Title)

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(Typed Name of Firm)