



**CITY OF LAMBERTVILLE  
WORK SESSION  
7:00 P.M. THURSDAY, MAY 4, 2023  
PHILLIP L. PITTORE JUSTICE CENTER  
25 SOUTH UNION STREET  
\*\*\*MEETING AGENDA\*\*\***

**STATEMENT OF COMPLIANCE WITH THE OPEN PUBLIC MEETINGS ACT**

Mayor Nowick called the meeting to order at 7:04 p.m. and he asked the City Clerk to read the statement of compliance with the Open Public Meetings Act into the record.

The City Clerk read the following statement into the record: *This meeting is being held in compliance with the Open Public Meetings Act with the annual meeting dates sent to the Hunterdon County Democrat and the Trenton Times. The meeting notice was sent to the members on the list serve, department heads, the City Attorney and City Engineer on Monday, May 1, 2023. The meeting agenda offers planned action items known as the time of publishing and is subject to change. The meeting will be streamed live and recorded using the Zoom meeting platform.*

**ROLL CALL**

The City Clerk called the roll as follows:

Present: Councilwoman Kominsky, Councilwoman Lambert, Councilman Lide, Council President Stegman, and Mayor Nowick.

Also present: William Opel – City Attorney, Michael Sullivan – Planner, Cynthia Ege – City Clerk, and Lindsay Hansche – Deputy Clerk.

**PLEDGE OF ALLEGIANCE & MOMENT OF SILENCE**

Mayor Nowick led the public in the Pledge of Allegiance and he asked everyone to remain standing for a moment of silence in honor of those serving in the United States Armed Forces in Country and Abroad.

**PUBLIC PARTICIPATION**

Mayor Nowick opened the meeting to the first public participation session.

Paul Stevens of Lambertville: Mr. Stevens commented about the resolution on valet parking. He said he understands doing a trial period, however there is another service already operating in town and they aren't renting paid parking space and they are using City streets. Are we going to look at more generally valet services? We need to think about what we can learn from a trial and what to apply more broadly.

Elycia Lerman of Lambertville: Ms. Lerman commented about the 295 Main Street project and stated that she hopes the Governing Body considers Affordable Housing in that complex.

Jeff Tittel of Lambertville: Mr. Tittel asked if there is a contract for the sale of 295 Main Street. He commented that previously as the Village Apartments there were 44 units of basically affordable housing. His concerns for whatever goes on that site are that it conforms to the town and that the density is appropriate. He expressed concern for a four story building with flooding

and parking issues. He felt there should be a 20% set aside for Affordable Housing and ways to keep rents in check.

Stephanie Moss of Lambertville: Ms. Moss asked if the City had a plan for the direction of traffic for Valet Parking. She expressed concern for how that will be impacted with Jersey Girlz.

Mayor Nowick asked for a motion to close the first public participation session. Council President Stegman made the motion and Councilwoman Lambert seconded the motion. An affirmative voice vote was taken in favor of the motion by all members present. MOTION CARRIED.

Mayor Nowick informed the members of the public that the questions will be answered throughout discussion later in the evening.

## **PRESENTATION**

LAMBERTVILLE HISTORICAL SOCIETY: Mayor Nowick invited representatives from the Lambertville Historical Society to the dais for the presentation of the plaque for the Holcombe House. Tom Ogren and Jeff Campbell were present from the Lambertville Historical Society. Mr. Campbell, President of LHS, presented the historic district plaque dated 1756 for the Holcombe House to Mayor Nowick. He commented that the best evidence was circa 1756 dating of the wood. Mayor Nowick thanked the Historical Society for all of the work they do to maintain historical continuity. He recognized Tom Ogren for the grant for signs for the Richard Holcombe House on Phillips Barber Road. Mr. Ogren commented that the signs should be here in 2 to 4 weeks.

## **RESOLUTIONS**

RESOLUTION NUMBER 71-2023: *A Resolution to Authorize the Valet Services for North Union Street, Managed by Under the Moon.*

Mayor Nowick read the resolution into the record by title. He informed the members of the Governing Body that Under the Moon was unable to execute a contract with the owners of the Lambertville Station. They are working on an agreement with Finkle's but that has some issues. Mayor Nowick asked the Council to table the resolution to give Under the Moon time to finalize their proposal.

Discussion ensued. The Governing Body felt it was important to give consideration to licensing all Valet Parking within the City to ensure we have insurance coverage, a balance of equity, and a formal arrangement to use the City streets for this purpose. The City Attorney commented that it is not necessary to enter into agreements with each entity, but the City is within its right to adopt an ordinance that regulates the businesses, giving thought to traffic patterns, insurance, and parking issues.

Mayor Nowick will work on a rewrite of the resolution and it may be offered at the next meeting.

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RESOLUTION NUMBER 72-2023: A Resolution to Appoint Jessica Crea as the Tax Collector for an Unexpired Term, Ending December 31, 2023, at an Annual rate of \$16,000.00 which will be Prorated for 2023.

Mayor Nowick read the resolution into the record by title and he informed the members of the Governing Body that the Tax Collector has resigned from her position and is moving to North Carolina. The City received three applications for the position and after an interview process, has selected Jessica Crea to present to the Governing Body. Jessica is currently working in Hamilton, NJ as a Supervisor in the Tax Office. She has 8 years of experience and is certified by the State of New Jersey. Her start date is May 9, 2023, subject to Council approval.

Resolution Number 72-2023

*A Resolution to Authorize the Hire of Jessica Crea to Serve as the Part-Time Tax Collector and Fill an Unexpired Term Ending December 31, 2023, At an Annual Rate of \$16,000.00*

WHEREAS, after almost ten years of service, Cynthia McBride is retiring from the City of Lambertville as the Tax Collector; and

WHEREAS, Jessica Crea is a licensed certified Tax Collector with eight years of experience working in the Tax Office at Hamilton Township, New Jersey.

NOW THEREFORE BE IT RESOLVED BY the Governing Body of the City of Lambertville, in the County of Hunterdon, in the State of New Jersey, that Jessica Crea is hereby hired to serve an unexpired term as the Tax Collector at an annual rate of \$16,000.00 which will be prorated the first year of service.

BE IT FURTHER RESOLVED by Ms. Crea will complete a background check conducted by the City of Lambertville's police department.

Adopted: May 4, 2023

Councilman Lide made the motion to adopt Resolution Number 72-2023, authorizing the hire of Jessica Crea as the Tax Collector. Councilwoman Lambert seconded the motion. An affirmative roll call vote was taken in favor of the motion by all members present. MOTION CARRIED.

## **PENDING ORDINANCES**

Mayor Nowick informed the members of the Governing Body and the public that the City has been working on the following Ordinances and we anticipate that they will be on the May 18 meeting agenda for introduction.

We will have a couple of first reading ordinances at the next council meeting and they include Vending Machine Licensing, Shade Tree Ordinance, Salary and Wage Ordinance, and the Flood Prevention Ordinance.

The Flood Prevention Ordinance is of continuing interest. The City is waiting for approval for one additional change to the ordinance. Where we have been getting tripped up is the substantial damage determination, the process for seeking a variance, and defining historic structures. There are houses that are historic but not "contributing." What I proposed to the DEP (and will be

proposed to NFIP) was to do a work around, wherein any property owner seeking a variance for substantial damage determination can present it to the City Council instead of the Zoning Board. The Council can move it forward in a simple way. Mayor Nowick commented that he met with Lisa Easton regarding the definition of Historic Structures. It will likely take 4 – 6 months for the City to become authorized to designate our own inventory of historic structures.

## **ANNOUNCEMENTS**

Mayor Nowick gave an update on the following topics:

*Closson Property Update:* The Governing Body is starting to have conversations about moving forward and filling the Green Acres requirements.

There will be a Special Session of the Governing Body on Thursday May 11, 2023 to review the 2023 Budget. Anyone with questions about the details of the proposed budget is encouraged to participate.

Church Street One-Way Traffic Update: Engineer is filing DOT permits and we will provide updates as they become available.

## **PROJECTS**

### 295 North Main Street Discussion

Mayor Nowick introduced the City Attorney and the City Planner to the members of the public. He gave a brief overview of the vacancy record for 295 North Main Street.

Councilman Lide recused himself because he resides within 200 feet of the property.

The purpose of this conversation is to discuss the Village Apartments. They were severely damaged from Hurricane Ida. On September 2, 2022 they were deemed an unsafe structure. When Mayor Nowick began his mayorship, we were informed that there was a contract purchaser for the property. The Governing Body started to have conversations that cannot be discussed publicly. Basically where we have been with the property, where we are going, the challenges with the site, and the redevelopment process.

Councilwoman Kominsky noted that as the Governing Body is introducing this matter to the public, there is no preconceived plan that we've already come up with - this is kicking off the discussion with the community and where are going to go from here.

Michael Sullivan, the City Planner, commented that there is a set baseline to move forward in terms of reorienting what this site is, what the City has already done, and what actions are needed to move forward.

Mr. Sullivan reviewed a powerpoint presentation with the members of the Governing Body and the public (attached and marked as addendum A).

The current zoning for the property is R2, downtown residential zone. This zone permits the following: semi-detached townhouses, schools, or a conditional use would be age-restricted apartments. The density allows 50 dwelling units per acre, which in this case would be just under

100 units. The Village Apartments had 44 apartments spread between two buildings. Based on the conditions after the flooding in 2022, the City directed the Planning Board to undertake an Area in Need of Redevelopment (AINR) designation for the property.

AINR is an exercise done pursuant to redevelopment law that studies the conditions and a myriad of reports from code enforcement, conditions, violations. Based on the report, it was recommended that the City deem the property an AINR. The City did that in March of 2022. They did so in a way that allows the City use eminent domain and condemnation may be used.

*What does the designation mean?* An AINR has been declared a blighted area under the law, a heightened need for public health safety and welfare.

*How does the designation help?* It allows the municipality to create a redevelopment plan. It is a unique zoning ordinance, and also requires policy statements: a hybrid of a master plan and zoning ordinance. There are tools to leverage redevelopment: simple taxes, redevelopment bonds, tax abatement over time. There are tools the municipalities can use.

The City has designated this as a redevelopment area. There is no preliminary plan, we are starting to understand and articulate what the goals and objectives are. What do we want this to look like? We will start from a vision. It will be important to understand the challenges, it is a difficult site.

Change is imminent. This property can't remain in its current state – the building is unsafe, there are concerns for health and safety, it is unattractive, and it is attracting nuisance behavior. It should be a priority to develop and enhance the property, and get it into a state of contributing to the tax base of the City again.

Challenges:

- 1: Existing flood hazard areas. 80% of the property is within the current flood hazard area. Any work to address the challenge presented by the flood hazard area will be more expensive.
- 2: Unknowns. What will be found as the site is cleaned up and prepped for development?
- 3: Working with a private entity contract purchaser. The City isn't interested in developing it ourselves – this project will be done by a private entity, and that entity will need to make a profit. Finding a balance is really important.
- 4: Affordable Housing. Pursuant to ordinance, 20% of the developed housing will be set aside as affordable housing. The project will include a mix of market rate housing and affordable housing.
- 5: The project should be integrated well into the fabric of Lambertville. It should be sympathetic to all of its context: new buildings will back up to existing residents' homes.
- 6: Stormwater. Regulations are increasingly more restrictive and this will be an integral part of the project.

Process:

The City will lead the process by establishing goals and objectives to be done collectively. From that, a vision can be articulated for what this might become. Once there is a vision, goals and objectives, we would develop principles for urban design and context. How should this relate to the City? Should it be one building or ten buildings? With a parking lot? We'll be thinking about urban design, scale intensity, implications to the number of cars, water, sewer usage, visual character. Folks are very interested in visual character. Landscape, open space, how does this relate to public streets, access, then we can develop a framework. We'll start to build spatially and get an idea of how this would look on the site.

Then we'll develop zoning regulations for setbacks, building height, breaks, etc. Once you establish the zoning, you can create regulations that go into the redevelopment plan that are required by the statute.

Once the redevelopment plan is adopted, it is introduced at a Council meeting, there is a public hearing, and then voted on and adopted by the Governing Body. Once adopted, the municipality can enter into agreements with redevelopers. A developer would develop plans and come to the planning board for consideration, plan review and approval.

What is the role of the public:

The public can participate in the visioning, goals, objectives and framework for the project. Adoption of the redevelopment plan, and later, a review of the applications before the Planning Board. There could be any number of opportunities to participate and contribute – public information meetings, listening sessions, charettes, opinion surveys, input and comments at public meetings.

The City Planner displayed two slides of rendered 3D models.

Slide 1: A 3D rendering of the existing Village Apartment buildings from an aerial view, for a sense of scale and context. A purple area representing the flood hazard area demonstrated that 100% of the buildings and 80% of the property are well within the flood hazard area.

Slide 2: A second rendering of the existing buildings, elevated to comply with current standards. This raises the buildings significantly - 9 feet on one side and 7 feet on the other side – and causes the buildings to appear larger even though they are the same. It was also noted that the existing buildings are a low height compared to modern buildings, which now are typically 11 feet minimum per story.

Whatever is built here has to be elevated and comply with flood hazard regulations. And it has to provide enough density to be a profitable project for a developer.

Discussion ensued.

Concerns for the effect on the neighborhood. Even doing the minimal amount of redevelopment will impact the neighborhood because it will start off at such an increased height. The existing two story building looks much larger.

What impact does the flood hazard area play against current zoning? Mr. Sullivan commented that a building height restriction can impact design. Starting from a higher elevation, you may not have enough room for architectural aspects if there is a low building height restriction. And that may impact the horizontal extent of the building – it could be necessary to build out if up is not an option.

The City Attorney gave a quick overview about the process. He spoke generally to what the process might look like with no formal agreement and with a formal agreement.

1: Currently there is no redevelopment plan in place, and the City cannot formally designate a developer until that happens.

2: When there is an owner or contract purchaser with an interest in redeveloping the property, the recommendation is for the City to enter into a funding agreement with that entity. The work of the City planner, attorney, engineer, crafting the redevelopment plan and negotiating - those fees get expensive. It is important to get the funding agreement in place and establish an escrow so the City doesn't pay for all of this out of pocket. The funding agreement can be drafted so there is no obligation other than to work with the developer to see if you can come up with a project. 90 days or maybe 120 if necessary. The funding agreement is a show of good faith from the City and gives both parties the opportunity to come to an agreement.

The Area in Need of Redevelopment was designated but the City does still hold power of condemnation. That would be a last resort. It's incredibly expensive, it's a litigation process, it would take months to complete, and the City would be required to compensate the owner for fair market value.

Council discussed the next steps for the project. The City will break down the process into smaller steps with public participation. We want to show people what you can do under the existing zoning. What does 50 units look like, what does 100 units look like? We want to discuss different variations of buildings that could be put there. What is possible? We will keep in mind the flood hazard zone, stormwater management, building height, and zoning restrictions. We will keep in mind how this impacts our neighborhood and our neighbors.

Mayor Nowick commented that the next step is to move forward with a funding agreement with the contract purchaser. This process is costing the City money. We want more buy in and to be mindful of the money we are spending.

### SHORT TERM RENTALS

Mayor Nowick gave an overview of the various emails and complaints he has received throughout his term so far from the public regarding short term rentals in the City.

Background: Short term rentals have become a widespread practice around the world. Airbnb alone has 7 million properties listed - 2 million in the US and over 25,000 short term rentals in NJ. The City did amend its ordinance for short term rentals in 2019 and they have been paying hotel tax ever since. The report we receive from the State however does not provide a breakdown

of revenues per property. It differentiates between hotels and short term rentals, but nothing further.

We are not really sure how many sites we have in the City. We did some internet research on various websites and found 31 Airbnb's in the City. We have asked residents to alert us to short term rentals, heard from a lot, and began to compile a list. Last week we sent out 13 letters to property owners operating short term rentals who have not yet registered as landlords.

There are a lot of arguments on either side of the short term rental issue. People have had concerns about short term rentals cutting into housing stock, affecting residents' way of life and quality of life, creating noise, trash, and parking issues, and driving the cost of housing up. On the other hand, some residents supplement their income by offering their property as a short term rental, allowing them to afford to live here. Some municipalities have banned them completely - others have regulated them heavily.

I've added a few examples of ordinances in other municipalities into the Google drive for Council to view. The two that appeal most to me are enacted in Jersey City and Asbury Park.

There are some important considerations. Liability insurance: our first priority is the safety of visitors and residents alike. We want to acknowledge the value of people coming to Lambertville. We want to make sure everyone has parking. We want to be sure that property owners who are offering short term rentals are making sure of the safety and wellbeing of the visitors and the neighbors.

Some ideas? A requirement that the short term rental property be owner occupied. A restriction on the number of days per year or per month that the property is offered. A consideration of housing inventory. We have to measure all of it and the guiding principle is quality of life.

The City Attorney commented that the Jersey City ordinance has good distinctions between owner occupied and non owner occupied, as well as short term rental. Their definitions and requirements were pretty good.

Mayor Nowick asked for public input.

## **CORRESPONDENCE**

Mayor Nowick read the following items of correspondence into the record.

- Special Congressional Recognition for the 40<sup>th</sup> Anniversary of Shad Fest
- Arbor day poems from 1<sup>st</sup> graders
- Lambertville Fire District #1: invitation to the Firemen's Memorial Service, May 29, 2023 immediately following the Memorial Day Parade.
- Family Promise: financially beneficial programs to help assist New Jersey residents with electric, gas oil, water and sewer bills.
- County of Hunterdon: Notice of Public Hearing for the Proposed Sale of the Property Commonly Known as the Hunterdon County Transfer station, Materials Recovery Facility, Petticoat Lane, Clinton Township.



## **PUBLIC PARTICIPATION**

Mayor Nowick opened the meeting to the second public participation session.

Paul Stevens of Lambertville: Mr. Stevens commented that he supports the Governing Body moving ahead on short term rentals. In regards to the EV charging station brought up at the April 6<sup>th</sup> meeting, surprised to hear that we need more capital to do that - he was under the impression the grant would take care of all of it. Who is going to operate and maintain this equipment? It's not just a parking meter – it's very expensive hardware out in the weather, and they break down. We'll need a licensed person to take care of them, and the rates we charge will need to cover that maintenance, not just the cost of the electricity.

Judy Gleason of Lambertville: Ms. Gleason commented about the Flood Prevention Ordinance and potential shift of responsibility from Zoning Board to the Governing Body to handle variance requests from people in town. Think before you do that. Council already has way too much to do without adding variance requests. In regards to 295 N Main, where do we go to start learning about this? What is possible? The public needs to know, given the flood and storm water management, what we can and what we can't do.

Lisa Goetz of Lambertville: Ms. Goetz commented about the 295 redevelopment project. Is it safe to assume it would remain rentals? As a real estate agent, I have direct experience on how difficult it is to find housing. I wonder if a needs assessment would be appropriate. If we had a vision of a number of studios, one bedroom, or two bedroom apartments, the aesthetic will come. For singles, younger families and small families, not huge 4 bedroom units. What the outside looks like can be developed, but what's inside it seems essential. In regards to short term housing, I wonder, while this is being thought about, if the City should still be accepting applications and granting unlimited yes's for short term Airbnb. It can be a very compelling income source in a town people come to as tourists. The number of rentals seems important, as does the length of time. Looking forward to more discussion.

Via Zoom

Margaret Carmelli, on behalf of Maxwell Assets: Ms. Carmelli thanked everyone again for their time. She has been working on the flood ordinance and is very pleased to hear about the certified local government progress. The concept of a simplified process for parties to come before Council for variances is interesting. I'm not taking a position on that tonight, but in light of the DEP and SHPO being reluctant to make any changes to the ordinance, I think it would still be appropriate to pursue, as a parallel track, changing definition to historic structure that might provide some relief to those who own historic structures, in terms of working with the Construction office rather than Zoning Board or Council. I think it is still appropriate. I attended the most recent Zoning Board meeting and I heard the concept of historic structure being raised, and the Zoning Board had no jurisdiction over claims of historic or not without a rigid definition. So I suggest continuing to pursue that. Lastly, is there any further info on the flowchart on what to do if there is a flood? When might that be available?

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Mayor Nowick asked for a motion to close the second public participation session. Council President Stegman made the motion and Councilwoman Lambert seconded the motion. An affirmative voice vote was taken in favor of the motion by all members present. MOTION CARRIED.

Mayor Nowick responded to comments. We will be introducing a capital bond ordinance overview on the 18<sup>th</sup> which will cover all of the capital projects to be discussed this year. Re EV Charging, the grant was for two separate units and we will receive up to \$103,000 for those units. We will have to pay for the electric upgrades and the installation. As far as the fees for parking at the units, we may be able to use Parkmobile, but we're still in the early stages of this project. Thank you to Judy for your thoughts on the variance process in the flood ordinance. This certainly deserves our careful attention. I'm not worried that it's something that the Council wouldn't be able to handle. Short term, it's the best work around and provides access to everyone, not just those with historic homes. Rentals – thank you for your thoughts, whatever happens with any development in the City we have the 20% set aside. I imagine it will be a mix - one, two, three bedrooms, and there will be a mix in terms of affordable housing. I'm not sure where Ken is on the flooding flow chart, but it will get done. We don't yet have a date.

## **ADJOURNMENT**

Mayor Nowick asked for a motion to adjourn at 9:07 p.m. Council President Stegman made the motion and Councilwoman Lambert seconded the motion. An affirmative voice vote was taken in favor of the motion by all members present. MOTION CARRIED.

Respectfully submitted,

Cynthia L. Ege  
CMR, RMC, City Clerk