

**ZONING BOARD OF ADJUSTMENT
CITY OF LAMBERTVILLE
REGULAR MEETING MINUTES**

Thursday, March 31, 2022

The meeting was called to order by Board Attorney, Stewart Palilonis, at 7:30 p.m. with a statement of compliance with the Open Public Meetings Act.

ROLL CALL

Mrs. Lawton called the roll as follows:

Present: Fred Eisinger, Jane Wesby, Christine Peluso, Paul Bernstein, Bill Pisarra, Bill Neeley, Brian Kelly and Pat Pittore.

Absent: Reggie Ross.

Also Present: Board Attorney Stewart Palilonis, Board Planner Emily Goldman and Board Engineer Doug Rossino. Greer Patras, the Boards Alternate Planner.

APPROVAL OF MINUTES – January 27, 2021

Jane Wesby made a motion to approve the meeting minutes, as submitted. Paul Bernstein seconded the motion. A unanimous roll call vote in favor of the motion was taken by all members able to vote. Christine Peluso abstained from voting. MOTION CARRIED.

COMPLETENESS & PUBLIC HEARING

240 South Main Street
Block 1048 Lot 56, 60 & 61
Variance

The applicant requested that the completeness and public hearing be carried, as they were not in a position to move forward at this time.

No action was taken.

APPROVAL OF RESOLUTION

266 & 268 North Union Street
Block 1004 Lots 19 & 20
Flood Variance

Jane Wesby made a motion to approve the resolution, as submitted. Fred Eisinger seconded the motion. A unanimous roll call vote was taken by all members present. Paul Bernstein and Brian Kelly abstained from voting. MOTION CARRIED.

APPROVAL OF RESOLUTION

South Franklin Street
Block 1048 Lot 45.03

Paul Bernstein made a motion to approve the resolution, as submitted. Jane Wesby seconded the motion. A unanimous roll call vote in favor of the motion was taken by all members present. MOTION CARRIED.

COMPLETENESS

34 Clinton Street
Block 1023 Lot 12
Home Occupation

Paul Bernstein made a motion to deem the application complete. Christine Peluso seconded the motion. A unanimous roll call vote in favor of the motion was taken by all members present.
MOTION CARRIED.

COMPLETENESS

34 Clinton Street
Block 1023 Lot 12
Home Occupation

The applicant's planner, Tom Sterns, was sworn in by Board Attorney Mr. Palilonis. The property owners, Joel & Stephanie Simmons were also sworn in to testify.

The owners of this property reside at 72 Delaware Avenue, Lambertville NJ. They recently acquired the property at 34 Clinton Street and are seeking approval from the Board to operate their business in the garage located on Clinton Street. The garage is a total of 403 square feet and is currently unfinished and used for storage.

The principal dwelling is a one story building with a full basement, a total of 645 square feet. At the time, they are proposing to use this property as a short-term rental, with the possibility of their son occupying the residence in the future.

Mr. Simmons does podcasts and zoom calls as part of his business operation and is looking for a quiet place to conduct this business, approximately two to three times per week for a couple of hours.

There are pre-existing, non-conforming conditions on the property; the accessory building is located in the front of the property & the rear yard setback does not meet the City's Ordinance requirements.

There was discussion as to the definition of what a home occupation is. Ms. Patars stated that the ordinance states that the home occupation must be located within the primary residence of the property owners.

Discussion about how the garage will be used in the future should the owners decide to sell the property ensued. A concern as that parking may be impacted if the property is sold and the new owners do not live within the City limits.

The owners were asked if they have taken into consideration renting a commercial space within the City or using their primary residence to conduct business.

Christine Peluso made a motion to grant the variances required and approve the application. Bill Neeley seconded the motion. A roll call vote was taken by all members present. Four members voted in favor of the motion and three members opposed. A total of five affirmative votes is required to approve the application. Brian Kelly abstained from voting. **MOTION DENIED.**

COMPLETENESS

55 Lambert Lane
Block 1022 Lot 8
Variance from the Flood Ordinance

Fred Eisinger made a motion to deem the application complete. Christine Peluso seconded the motion. A unanimous roll call vote in favor of the motion was taken by all members present. MOTION CARRIED.

PUBLIC HEARING

55 Lambert Lane
Block 1022 Lot 8
Variance from the Flood Ordinance

The applicants are before the Board for approval for waivers from the Flood Ordinance. They are proposing an addition and renovations that would exceed the 50% threshold and require them to comply with the flood regulations.

They stated that relocating their kitchen to the second floor is not feasible and would alter the historic layout of the home.

The applicants Keith & Staci Harmis were sworn in to testify, as well as their contractor, Lou Alloway.

The proposed expansion would provide stability to the existing structure and all mechanicals would be relocated to the third floor.

Paul Bernstein made a motion to grant the approval. Jane Wesby seconded the motion. A unanimous roll call vote in favor of the motion was taken by all members present. Brian Kelly abstained from voting. MOTION CARRIED.

GENERAL BUSINESS

None

PUBLIC COMMENT

None.

PAYMENT OF BILLS

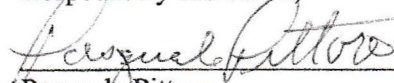
Fred Eisinger made a motion to pay bills, so long as funding was available. Jane Wesby seconded the motion. A unanimous voice vote in favor of the motion was taken by all members present. MOTION CARRIED.

ADJOURNMENT

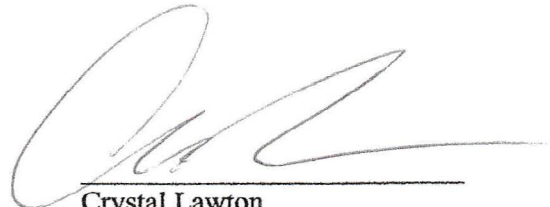
Paul Bernstein made a motion to adjourn the meeting at 9:39 pm. Fred Eisinger seconded the motion. A unanimous voice vote of ayes was taken in favor of the motion by all members present. MOTION CARRIED.

March 31, 2022
Zoning Board of Adjustment Meeting

Respectfully submitted,



Pasquale Pittore
Chairman



Crystal Lawton
Administrative Officer