



MEMORANDUM

Clarke Caton Hintz

Architecture
Planning
Landscape Architecture

100 Barrack Street
Trenton NJ 08608
clarkecatonhintz.com
Tel: 609 883 8383
Fax: 609 883 4044

Philip Caton, FAICP
John Hatch, FAIA
George Hibbs, AIA
Brian Slaugh, AICP
Michael Sullivan, AICP

Emeriti
John Clarke, FAIA
Carl Hintz, AICP, ASLA

To: City of Lambertville Planning Board

From: Emily Goldman, PP, AICP 

Re: **65 Wilson, Lambertville, LLC**
Preliminary Major Subdivision
65 Wilson Street
Block 1053, Lots 2 and 3
R-2, Downtown Residential District

Date: March 20, 2020, last revised July 29, 2020

Pursuant to comments and feedback from the July 1, 2020 Planning Board hearing, the applicant has revised the *Preliminary Subdivision Plan* to reconfigure the proposed nine (9) lots and eliminate the need for a Residential Site Improvement Standard parking exception. The applicant has also provided a *Steep Slope Exhibit* based on the revised *Preliminary Subdivision Plat*; however, additional information regarding potential steep slopes disturbances shall be provided based on a revised grading plan for the revised *Preliminary Subdivision Plan*. The following is an updated memorandum based on the revised *Preliminary Subdivision Plan*.

1.0 PROJECT & SITE DESCRIPTION

- 1.1 The applicant is seeking preliminary major subdivision approval to subdivide Block 1053, Lots 2 and 3 into nine (9) lots. Eight (8) of the proposed lots shall contain semi-detached dwellings and the remaining lot shall contain a single-family detached dwelling.
- 1.2 The site is currently improved with a one (1)-story masonry and frame building, a frame shed, an asphalt parking area, and concrete walkways.
- 1.3 The site is bounded by Wilson Street, townhouses, vacant land, and the Elks Lodge to the east; Feeder Street, a residence and a surface parking lot to the south; a Delaware and Raritan Canal tributary and S. Union Street (paper street) to the west; and, the Raritan Pointe townhouse development to the north.



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- 1.4 The applicant requires a design exception for the driveway width and driveway setback to a side lot line. Additional information shall be provided by the applicant to determine if variance relief is required for steep slope disturbances.
- 1.5 The proposed single-family detached dwelling, pursuant to §516.2A (and the NJ MLUL), *building permits for individual lot applications involving only a detached one- or two-dwelling unit building are exempt.* is exempt from site plan review. However, the semi-detached dwellings are not exempt; and therefore, require site plan review.

2.0 MAJOR SUBDIVISION COMPLIANCE

- 2.1 **Lot Configuration.** §513.1.A requires lots to be configured to meet the following requirements:
 - a. **Side Lot Lines.** The application is in compliance. §513.1.A.1 requires *side lot lines to be either at right angles or radial to street lines.* The proposed preliminary subdivision creates side lot lines at right angles.
 - b. **Lot Shape.** The application is in compliance. §513.1.A.2 requires *lots to be regular in shape, with rectangular-shaped lots preferred. The Board of Jurisdiction shall have the right to reject irregularly shaped lots with unusual geometric configurations.* The proposed preliminary major subdivision creates nine (9) regularly-shaped lots that are trapezoidal in shape due to an existing angled rear lot line.
 - c. **Pie Slice-Shaped Lots.** The application is in compliance. §513.1.A.3 indicates pie slice-shaped lots are to be avoided. The applicant is not proposing pie slice-shaped lots.
 - d. **Right-of-Way Dedication.** The application is in compliance. §513.1.A.4 requires *“where extra width has been dedicated, or proposed for dedication or reservation, for widening of existing streets, lots shall begin at such new street line and all setbacks shall be measured from such line, unless modified by §400.9.”* The applicant has measured the lot area and the principal building setbacks from the ultimate right-of-way line.



3.0 R-2 ZONE REQUIREMENTS.

- 3.1 Permitted Uses.** The application is in compliance. The R-2 district, pursuant to §404.2 permits a variety of uses, including but not limited to single family detached residential, semi-detached residential, and townhouses. The applicant is proposing eight (8) semi-detached units and one (1) single-family detached dwelling.
- 3.2 Area, Yard, Height and Coverage Requirements.** The application is in compliance. The proposed application complies with all the area, yard, height and coverage requirements for the R-2 district. See Table 1 for additional details on the applicant's compliance with the area and yard requirements.
- 3.3 Lot Size.** The application is in compliance. §404.5 requires a minimum lot size of 2,800 square feet for single-family detached dwellings and 1,875 square feet for semi-detached dwellings. The applicant is proposing a minimum lot size of 4,482 square feet for the single-family dwelling and a minimum lot size of 1,920 square feet for the semi-detached dwellings. The applicant should confirm the lot size for proposed lot 3.07 since the lot size on the plan view and in the zoning requirements table are inconsistent.
- 3.4 Lot Frontage.** The application is in compliance. §404.5 requires a minimum lot frontage of 40 feet for single-family detached dwellings and 25 feet for semi-detached dwellings. The applicant is proposing a minimum lot frontage of 48 feet for the single-family dwelling and a minimum lot frontage of 25 feet for the semi-detached dwellings.
- 3.5 Lot Width at the Setback Line.** The application is in compliance. §404.5 requires a minimum lot width at the setback line of 40 feet for single-family detached dwellings and 25 feet for semi-detached dwellings. The applicant is proposing a minimum lot width at the setback line of 45.2 feet for the single-family dwelling and a minimum of 25 feet for the semi-detached dwellings.
- 3.6 Building Coverage.** The application is in compliance. §404.5 permits a maximum building coverage of 60% for single-family detached dwellings and 65% for semi-detached dwellings. The applicant is proposing a building coverage of 21.3% for the single-family dwelling and a maximum building coverage of 43.6% for the semi-detached dwellings. The applicant should confirm the proposed building coverage for proposed lot 3.07 since the lot areas (see Item 3.3) are inconsistent.

Table 1: §404.5 R-2 Area, Yard, Height and Coverage Requirements for Semi-Detached Dwellings and Single-Family Detached Dwellings												
	Single-Family Unit			Semi-Detached Units								
	Required	Lot 3.01 (1) Proposed	Required	Lot 3.02 Proposed	Lot 3.03 Proposed	Lot 3.04 Proposed	Lot 3.05 Proposed	Lot 3.06 Proposed	Lot 3.07 Proposed	Lot 3.08 Proposed	Lot 3.09 Proposed	Variance
Min. lot size	2,800 sf.	2,848 sf.	1,875 sf.	1,998 sf.	2,317 sf.	2,411 sf.	2,488 sf.	2,565 sf.	2,642 sf.	2,719 sf.	3,932 sf.	No
Min. lot frontage	40 ft.	51.57 ft. (W) 41.77 ft. (F)	25 ft.	25 ft.	25 ft.	25 ft.	25 ft.	25 ft.	25 ft.	25 ft.	43.0 ft.	No
Min. lot width at the bldg. line	40 ft.	51.3 ft.	25 ft.	25 ft.	25 ft.	25 ft.	25 ft.	25 ft.	25 ft.	25 ft.	42.3 ft.	No
Max. Building Coverage	60%	42.7%	65%	38.3%	38.1%	42.8%	41.4%	40.2%	39.0% (3)	37.9%	25.9%	No
Max. Lot Coverage	80%	54.8%	80%	52.2%	51.2%	52.8%	51.1%	49.6%	48.1% (3)	46.8%	31.1%	No
Principal Building Minimum Yard Depths and Height Limitations												
Front Yard	0 ft.	0 ft. (w) 8.9 (F)	0 ft.	15.0 ft.	15.0 ft.	15.0 ft.	15.0 ft.	15.0 ft.	15.0 ft.	15.0 ft.	15.0 ft.	No
Side Yard	5 ft.	5 ft.	0 ft. one side 5 ft. other side	0 ft. 5 ft.	5 ft. 15.1 ft.	No						
Rear Yard	15 ft.	15.1 ft. (2)	15 ft.	17.0 ft. (2)	27.0 ft. (2)	21.3 ft.	23.7 ft.	27.4 ft.	29.8 ft.	33.5 ft.	35.9 ft.	No
Max. Height (feet)	40 ft.	Unknown	40 ft.	Unknown	Unknown							
Max. Height (stories)	3 sty	Unknown	3 sty	Unknown	Unknown							
Notes:												
(1) Proposed Lot 3.01 is a corner lot bounded by Wilson Street to the east and Feeder Street to the south. As such, proposed lot 3.01 has 2 front yards. The lot line running parallel between proposed lot 3.01 and 3.02 shall be a side lot line and the remaining lot line adjacent to the Delaware and Raritan Canal tributary shall be a rear lot line.												
(2) The rear yards identified on the Zoning Requirements table differ from those identified on the plan. The table above identifies the rear yard distances shown on the plan view. The Preliminary Subdivision Plat should be updated accordingly.												
(3) The lot size identified on the Zoning Requirements table differs from that identified on the plan view. The coverages should be confirmed and updated by the applicant as necessary.												



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- 3.7 **Lot Coverage.** The application is in compliance. §404.5 permits a maximum lot coverage of 80% for both single-family detached dwellings and semi-detached dwellings. The applicant is proposing a maximum lot coverage of 51.6%. The applicant should confirm the proposed lot coverage for proposed lot 3.07 since the lot areas (see Item 3.3) are inconsistent.
- 3.8 **Front Yard Setback.** The application is in compliance. §404.5 requires a minimum front yard setback of 0 feet for both single-family detached dwellings and semi-detached dwellings. The applicant is proposing a minimum front yard setback of 0 feet for the single-family dwelling and 15 feet for the semi-detached dwellings.
- 3.9 **Side Yard Setback.** The application is in compliance. §404.5 requires a minimum side yard setback of 5 feet for single-family detached dwellings and a minimum of 0 feet (one side) and 5 feet (the other side) for semi-detached dwellings. The applicant is proposing a minimum side yard setback of 5 feet for the single-family dwelling and a minimum of 0 feet (one side) and 5 feet (the other side) for the semi-detached dwellings.
- 3.10 **Rear Yard Setback.** The application is in compliance. §404.5 requires a minimum rear yard setback of 15 feet for both single-family detached dwellings and semi-detached dwellings. The applicant is proposing a minimum rear yard setback of 15.1 feet. The applicant should update the Zoning Requirement table for proposed lots 3.01, 3.02 and 3.03 as the rear yard setbacks identified on the plan view are different than those identified in the Zoning Requirement table.
- 3.11 **Principal Building Height. *Additional information is required.*** §404.5 permits a maximum height of 40 feet or 3 stories.

Pursuant to §201, the City defines building height as:

“The vertical distance measured from the average elevation of the finished grade at a point 5 feet away from the front of the building to the top of the roof surface for flat and mansard roofs, and to the vertical midpoint between the base of the roof and its peak for gable, hip, and gambrel roofs.”

While the Architectural Plan includes a front elevation of each proposed unit type, it does not identify the maximum height of the dwellings.



4.0 PARKING AND CIRCULATION

4.1 **Off-Street Parking.** The application is in compliance. The number of residential parking spaces is governed by the NJ Residential Site Improvement Standards (RSIS), N.J.A.C. 5:21-4-14(f); which identifies the number of parking spaces required by the number of bedrooms within different types of housing. The applicant is proposing one (1) three-bedroom single-family detached dwelling and eight (8) three-bedroom semi-detached dwellings. Pursuant to N.J.A.C. 5:21-4.14(f), each three-bedroom dwelling requires two (2) parking spaces. As such, the applicant is required to provide 18 off-street parking spaces.

Pursuant to N.J.A.C. 5:21-4.14(d), garages and driveway combinations shall be counted as follows:

1. *Each garage car space shall be counted as 1.0 off-street parking space regardless of the dimensions of the driveway.*
2. *A one-car garage and driveway combination shall count as 2.0 off-street parking spaces, provided the driveway measures a minimum of 18 feet in length between the face of the garage door and the right-of-way.*
3. *A two-car garage and driveway combination shall count as 3.5 off-street parking spaces, provided a minimum parking width of 20 feet is provided for a minimum length of 18 feet as specific for a one-car garage and driveway combination.*

The applicant is proposing a one-car garage and driveway combination for each semi-detached unit. As measured from the face of the garage door to the proposed right-of-way line, none of the driveways would count as a parking space. However; the driveways on proposed lots 3.02 through 3.09 measure approximately 20 feet from the face of the garage door to the edge of the proposed sidewalk. As such, the driveways associated with proposed lots 3.02 through 3.09 may count as one parking space. Therefore, the applicant is proposing 14 off-street parking spaces for the semi-detached dwelling units whereas 14 spaces are required.

The single-family detached dwelling is proposed as a three-bedroom unit; and therefore requires two parking spaces. The applicant is proposing a two-car garage for the single-family dwelling unit.



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- 4.2 **Driveway Width.** *A design exception is required.* §509.11 permits a minimum width of 9 feet and a maximum width of 12 feet. The applicant is proposing a driveway width of 11 feet for the semi-detached dwelling units; however, the applicant is proposing a driveway approximately 22 feet in width for the single-family detached dwelling.
- 4.3 **Driveway Setback.** *A design exception is required.* §509.11 requires a minimum of three (3) feet between a driveway and a side lot line. The applicant is proposing approximately one (1) foot between the driveways and the common lot lines between the semi-detached dwellings.

5.0 SITE UTILITIES

- 5.1 **Water Service.** *Condition of Approval.* The applicant is showing water service connections to each proposed unit; however, a SUEZ Water will serve letter was not provided. The applicant shall submit a SUEZ Water will serve letter as part of resolution compliance.
- 5.2 **Pipe Easement.** *Comments are deferred to the Board Attorney.* The applicant is proposing to relocate a pipe easement granted to the State of New Jersey recorded in Deed Book 389, page 230 on September 9, 1931. This office defers to the Board Attorney as to if the State of New Jersey needs to approve the relocation of the pipe easement.

6.0 PLANTINGS

- 6.1 **Street Trees.** *Condition of Approval.* The applicant is proposing five (5) street trees. As a condition of approval, the applicant shall provide evidence of Shade Tree Commission approval.
- 6.2 **Landscape Plan.** *Condition of Approval.* Pursuant to §510.1B, “a landscape design shall be provided as part of site plan and subdivision submissions. Every applicant for subdivision or site plan approval shall comply with the minimum standards as set forth in this section.” While the dimension plan identifies five (5) proposed street trees, a landscape plan shall be submitted for review and approval by the Board Planner pursuant to §510.1B.



7.0 SITE PLAN REVIEW

Site Plan Review shall be required, pursuant to §516.1, “*except as hereinafter provided, no building permit shall be issued for any building or use or enlargement of any building or use or development unless a site plan is first submitted and approved by the City of Lambertville Planning Board or Zoning Board of Adjustment as the law permits, and not certificates of occupancy shall be issued unless all construction conforms to the approved plan.*”

While the single-family detached dwelling is exempt from site plan review, pursuant to §516.2A whereas “*building permits for individual lot applications involving only a detached one- or two-dwelling unit building*” shall be exempt. The semi-detached dwelling units, which require the construction of two (2) semi-detached dwelling units each on their own lot, are not exempt from site plan review.

As such, the applicant shall be required to receive preliminary and final site plan review of the semi-detached dwellings prior to the submission of building permit applications for these units.

8.0 STEEP SLOPES

8.1 Steep Slope Limits. *Additional information is required.* §519.5 indicates disturbance on areas of steep slopes shall be limited according to the following schedule:

Extent of Slope	Maximum Extent of Disturbance of Sloped Area
0 – 15%	No limit, but adhere to design guidelines
15.1 – 20%	30%
20.1 – 30%	10%
30.1% +	No disturbance permitted

While the applicant has indicated no disturbances to steep slopes are proposed, the Steep Slopes Exhibit shows a small corner of the building footprint on proposed lot 3.01 within the 30%+ slopes which is not permitted. Moreover, the grading plan should be updated for the revised Preliminary Subdivision Plat plan to confirm additionally disturbances to the steep slopes are not required.



- 8.2 **Disturbances to Steep Slopes.** *Additional information is required.* §519.6B, outlines what the applicant must demonstrate for proposed exceedances of the maximum allowable limits of steep slope disturbances. Upon confirmation of the proposed amount of disturbances based on the grading plan, the applicant should provide testimony as applicable.
- 8.3 **Bond. Condition of Approval.** §519.6B, “the applicant will be required to post a bond, prior to building permit issuance, of an amount satisfactory to the Board’s Engineer, that will be held by the City to restore and/or stabilize a site that have been disturbed and not properly stabilized for more than six (6) months. ... The bond shall not be released until the City Engineer has certified that permanent stabilization has been achieved.” If variance relief is required for disturbances to steep slopes, then the application will be required to post the bond described herein.
- 4.1. **Design Guidelines for Development on Steep Slopes.** *Additional information is required.* The applicant must demonstrate that the proposed development adheres to the design guidelines for steep slopes to the greatest practicable extent. The design guidelines in §519.9 of the steep slope ordinance are as follows:
- A. *Development on steep slopes should produce the minimum feasible site disturbance in areas of steep slope. Site improvements should be clustered on lands of relatively low slope;*
 - B. *The development should be consistent with the natural contour of the site, and minimize grading and alterations of natural landforms. All disturbances of steep slopes shall be stabilized with temporary and permanent erosion control consistent with anticipated sunlight levels, extent and degree of disturbance, and manufacturers criteria and methods;*
 - C. *Padding or terracing of building sites should be minimized;*
 - D. *The development should retain natural topographic features such as drainage swales, stream beds and banks, ridge line vistas, rock outcrops and mature plant formations. Natural points of runoff discharge shall not be altered and no new locations of stormwater discharge shall be proposed. Additional volume of runoff generated shall be infiltrated to the maximum extent. Disturbed runoff paths shall receive permanent stabilization, such as with a Turf Reinforcement Mat or other substantial product acceptable to the board’s engineer.*
 - E. *The development should minimize the extent to which it impairs the visual integrity of the slopes when viewed from publicly accessible vantage points including but not limited to the developed areas of Lambertville generally west of NJ Route 29;*
 - F. *The development should provide for protection of maximum feasible vegetation of the steep slope;*
 - G. *Mature trees should be retained and integrated into new hillside residential development. Existing live trees with a trunk diameter of at least 8 inches measured 4 feet above the grade which are located within the area of the proposed site disturbance or within any portion of the site under 30% slope within 50 feet thereof shall be located on the site survey.*



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The removal of any such trees is prohibited unless it is specifically permitted by the Board of jurisdiction.

- H. *Exposed soils and topsoil piles should be adequately stabilized throughout construction according to regulations and best management practices established by the United States Department of Agriculture – Natural Resource Conservation Service;*
- I. *The scale of new buildings should be compatible with existing structures. Single story elements, setbacks, overhangs, roof pitches, and landscaping should be used to minimize the impact of exterior wall surfaces;*
- J. *Roofs should be fragmented to avoid a monotonous appearance while following the angle of the slope;*
- K. *The maximum height of a proposed building should not exceed the mid-point of the tallest building on the adjacent uphill lot;*
- L. *All new structures should be setback a minimum of 50 feet from a ridge top;*
- M. *The limits of clearing on the construction site must be tightly drawn around the area of proposed disturbance. All natural vegetation outside of this area shall be protected during construction through the placement of snow fencing at drip lines and other means of vegetative protection.*

9.0 DESIGN GUIDELINES

Any future site plan application submission for the semi-detached dwellings shall be reviewed for compliance with the City's 2009 Design Guidelines.

10.0 CITY OF LAMBERTVILLE'S MASTER PLAN

10.1 Master Plan Goals. The City Master Plan includes several goals, of which, the following are relevant to the Board's consideration of this application. The following goals can be found on page 5-6 of the 2019 Master Plan Reexamination Report:

- 1. *Preserve the historic integrity of the City.*
- 11. *Strive to preserve the natural, scenic, historic, aesthetic aspects of the community and its environment.*

The property is located within the both the Lambertville Historic District (ID#1601) and the Delaware and Raritan Canal Historic District (ID#1600) on the New Jersey and National Registers of Historic Places. However, while the lot is not included on the NJ and National Registers of Historic Places, lot 2 identified as the YMAC within the Delaware and Raritan Canal State Park Historic Structures Survey, dated June 1982.



3. *Seek long term solutions to problems of parking and traffic congestion, particularly truck traffic.*

The applicant is proposing the required number of off-street parking spaces required by the Residential Site Improvement Standards.

7. *Preserve and protect environmentally sensitive areas, including but not limited to, flood plains, wetlands and steep slopes.*

Upon review of the FEMA Flood map, number 34019C0402G, effective May 2, 2012, it appears that the property is located outside of the flood hazard area. A review the NJDEP-GeoWeb indicates the westerly boundary of lot 3 contains bald eagle foraging habitat.

The applicant should confirm the proposed steep slope disturbances necessary to construct the project to determine if variance relief for disturbances to steep slopes is necessary.

10. *Encourage tree planting and maintenance of existing trees in order to enhance neighborhood quality.*

The applicant is proposing five (5) street trees. However, a Landscape Plan shall be required as part of a site plan application.

11.0 MATERIALS REVIEWED

- 8.1. *City of Lambertville Planning & Zoning Board Application* and related documents, dated January 14, 2020.
- 8.2. *Site Plan*, consisting of 8 sheets, prepared by The Reynolds Group Inc., dated January 8, 2020, last revised February 3, 2020.
- 8.3. *Architectural Plans*, consisting of 1 sheet, prepared by Ralph Finelli Architect, dated January 8, 2020, last revised July 14, 2020.
- 8.4. *Boundary and Topographic Survey*, consisting of 1 sheet, prepared by The Reynolds Group Inc., dated February 21, 2019.
- 8.5. *Delaware and Raritan Canal Commission submission*, dated January 10, 2020.



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- 8.6. *Hunterdon County Planning Board submission*, dated January 16, 2020.
- 8.7. *Hunterdon SCD submission*, dated January 10, 2020.
- 8.8. *Lambertville HPC submission*, dated January 16, 2020.
- 8.9. *Verification from the Tax Assessor*, dated October 9, 2019.
- 8.10. *Pipe Easement Deed*, recorded September 9, 1931.
- 8.11. *Lambertville MUA Will Serve*, dated January 6, 2020.
- 8.12. *Elizabethtown Gas Will Serve*, dated January 8, 2020.
- 8.13. *Preliminary Subdivision Plat*, 1 sheet, prepared by The Reynolds Group Inc., dated January 8, 2020, last revised July 18, 2020.
- 8.14. *Steep Slopes Exhibit*, 1 sheet, prepared by The Reynolds Group Inc., dated July 20, 2020.

9.0 APPLICANT / OWNER AND PROFESSIONALS

- 9.1. **Applicant:** 65 Wilson, Lambertville LLC, 29 Emmons Drive, F40, Princeton, NJ 09540. Telephone: 609-921-8844. Email: bbarish@cpnrealestate.com.
- 9.2. **Owner:** Young Men's Athletic Club, A Non-Profit Civic Association c/o Rick Anthes, 20 Eljan Drive, Doylestown, PA 18901. Telephone: 609-924-4617. Email: ranthesr@gmail.com.
- 9.3. **Attorney:** Richard Mongelli, Esq. 21-2 Bridge Street, Lambertville, NJ 08530. Telephone: 732.261.0884. Email: rich@mongellilaw.com.
- 9.4. **Engineer:** Mitchell Ardman, The Reynolds Group, 575 Route 28, Suite 110, Raritan, NJ 08869. Telephone: 908.722.1500. Email: mardman@reynoldsgroup.com.



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- 9.5. **Architect:** Ralph Finelli, AIA, Ralph Finelli Architect, P.O. Box 144, Sergeantsville, NJ 08557. Telephone: 908.581.0757. Email: rlfineilliarchitect@gmail.com.

10.0 SUMMARY

The applicant is seeking a preliminary major subdivision to create a total of nine (9) lots and construct one (1) single-family detached dwelling and eight (8) semi-detached dwellings. Based on our initial review, the following variances and exceptions are required or may be required, depending on the additional information submitted by the applicant. This list is not exhaustive and may be augmented by analysis performed by other Board professionals.

- a) Variances
 - §519 Steep Slopes (potential variance)

- b) Exceptions
 - §509.11 Driveway Width
 - §509.11 Driveway Setback

- c) Conditions of Approval
 - 1. A SUEZ Water will serve letter shall be provided.
 - 2. Evidence of outside agency approval, including Shade Tree Commission, shall be provided.
 - 3. A Landscape Plan, pursuant to §510.1B, shall be submitted for review and approval by the Board Planner.
 - 4. Site Plan approval is required for the semi-detached dwellings prior to the submission of building permit applications.
 - 5. A residential development fee, pursuant to §1200.24 shall be required for each new residential unit.

Please contact this office with any questions you may have.