

City of Northfield Planning & Zoning Board
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Minutes: October 2, 2008

Notice of this meeting had been given in accordance with Chapter 231 Public Law 1975, otherwise known as the Open Public Meetings Act. Notice of this meeting had been given to The Press, posted on the bulletin board in City Hall, and filed with the City Clerk, stating the date, time and place of the meeting and the agenda to the extent known.

The regular meeting of the Northfield Planning & Zoning Board, held on Thursday, October 2, 2008 in Council Chambers, City Hall, Northfield, was opened by Chairman Richard Levitt at 7:27p.m. and the following members were present:

Dr. Richard Levitt-Chairman
Clem Scharff-Vice Chairman-absent
Mayor Vincent Mazzeo
Jason O'Grady, Councilman
Chief Robert James-absent
Lou Milone
John Clifford
Ron Roegiers
Henry Notaro-absent
Jim Shippen
Linda Dyrek

Norman Zlotnick, Solicitor
Matt Doran, PE-Engineer

There were two applications on the agenda this evening. The first was from Northfield residents Susan & Darrin Lord who reside at 9 St. Andrews Drive, Block 179.01, Lot 1.03 located in the R-1 Zone. They represented themselves and were sworn in by Chairman Levitt. Mr. Lord stating they are seeking a setback variance for an addition to their home due to termite and water damage. They will be expanding the front of the home as well. They intend to remove a deck and to expand the front. A 25 ft. setback is required and the plans prepared show a 23 ft., 11 inch setback.

Mr. Doran said there actually are three variances. One is for a front yard setback (25 ft. required, 23.99 ft. proposed), building coverage (25% is required, 25.6% is proposed), and lot coverage (40% required, 47.9% proposed). Mr. Doran also noted at this time that there are no curbs or sidewalks proposed. Mr. Lord said that the home is on a cul-de-sac which surrounds a pond. Mr. Doran finished reading his report and which addressed positive and negative criteria and any detriments to the public good or Zoning Ordinance, a reference to street tree requirements (the plan does not show any street trees), tree removal which may occur as a result of the project, and he noted that the plan shows two parking spaces as required.

Dr. Levitt commented about the 11 ft. rear setback which requires 25 ft. Mr. Lord said it is existing and they bought the home in 1998 and they are not the original owners. The home was built in 1985. They received a permit for the addition of a pool room in 1999 or 2000. Mr. Zlotnick said it is an existing nonconforming condition. Dr. Levitt asked if there were any shade trees. Mrs. Lord said no. Mr. O'Grady said there is one existing Pine tree. Dr. Levitt told the applicants that two shade trees are required along the front of the property. Mr. Lord commented that they have shrubs and one tree at the corner of the property. Dr. Levitt noted that the property is landscaped. Mr. Lord said there were no other trees when they bought the home and that there is a nice pond. Mr. Shippen commented that there really aren't any trees in that area.

Dr. Levitt noted that the amount of footage requiring the variance is diminutive at a little over a foot. He noted that the applicants need to comment on the positive and negative impact due to the project and the impact on the Zoning Ordinance and how light, air and open space will be affected. Mr. Lord commented that on a positive note, the home will be more beautiful and the addition will not be close to anyone else's property. The area is very open and they won't be cluttering the area. There is plenty of room available between the house and the pond and parking is usually in driveways. There are rarely cars parked in the street.

Dr. Levitt opened the public session. There was no one who wished to speak. He closed the public session.

Mrs. Lord commented that the purpose of removing the balcony is that it leaks and they have decided to remove both balconies. The balcony off the master bedroom leaks. Mr. Doran noted that the plans show two bedrooms being expanded in the front and that is where the variance is at. Mr. Lord said the larger bedroom (daughter's room) encroaches on the front yard about a foot due to the closet. This is the need for the variance.

Mr. O' Grady made the motion for the setback variance and waivers for sidewalks and an additional shade tree. Mrs. Dyrek seconded. The vote of all present members was unanimously in favor.

The second application was from John Mirenda, LLC for Block 82, Lot 4 located at 2322 New Road which is located in two zones (C-B Zone for the building and R-1 Zone for the parking area). The applicant is seeking preliminary and final site plan approval to reconstruct the existing building as well as a "D" variance (Use) due to the combined zone use and various "C" (bulk) variances and waivers.

The Attorney representing the applicant is Charles Gemmel, Esq. of Linwood. Mr. Gemmel gave an introduction. The existing building is the AC Rental building and there is a purchase agreement under contract with the current owners conditional on approval of this application. The previous use was a retail use and the new use proposed will be office use including modifications to the property. They want to make the building more attractive by improving access to the property, creating buffers, adding landscaping, providing drainage where none exists, and install paved parking, sidewalks and other improvements to the site. The improvements will make the property more complimentary to the neighborhood. They are requesting a use variance since the property exists in two zones. The front 150 ft. of the property off New Road is in the CB Zone and the use complies. The rear 75 ft. to be used for parking (not a building) is in the residential zone and commercial parking is not permitted. The various bulk variances and waivers are basically due to the undersized lot which is only 103 ft. wide and it is difficult to comply with 15 to 20 ft. buffer regulations.

The three professional experts and principals were sworn in by Chairman Levitt. They are: Architect Robert Curtain of Northfield, Planner Cormac Morrissey, PE, PP, CME, and John Mirenda, the contracted purchaser of the property. Mr. Morrissey testified first.

Mr. Morrissey described the property and the neighborhood. Mr. Gemmel passed out photographs labeled Exhibits A-1 to A-6. The property is across from what was formally the Owl Tree Restaurant and to either side there is an auto repair shop and an office building. The existing building is described as dilapidated and is 2500 sf. The proposed size is 3850 sf. Currently there is a rundown paved driveway which provides access but is haphazard in nature and striping is barely visible. There is stone parking in the rear. There is also a wooden stockade 6 ft. tall fence in the rear. The improvements include a defined driveway which is paved with striping. There will be a designated access point and a parking area. There will be limitations as to where cars can travel on the site. There will be a 25 ft. access driveway on New Road and they plan to make application with the DOT of New Jersey (New Road is a State Road). Mr. Morrissey commented that they are proposing 21 parking spaces with landscaping. They are proposing sidewalks and storm water drainage. Currently the site has no drainage outside of water seeping into stone. They want to install underground chambers with overflow to New Road. They plan to excavate any clay encountered to allow for infiltration.

Mr. Morrissey discussed lighting and they will have lighting at the entranceway and the back in the parking area and will provide glare shielding. He commented about the variances and for clarification said the "fat" part of the property is commercial and the "thin" part is residential. He referred to positive and negative criteria, and basically read the ordinance. He said the site plan promotes light, air and open space and promotes the welfare of the City. They want to remove a blighted building and make the site a viable commercial use. They also intend to provide an 8 ft. white vinyl fence and to plant street trees. They will be converting stone to pavement which will be reducing sound and noise. Safety features will be provided on New Road by improving the access area. They will provide a sidewalk in front and a designated crosswalk. They will add handicapped access to the site which is not present now and striping and curbing will be provided as well as designated parking spaces. They intend to have 13 spaces in the front, six in the back facing Lot 6 with 2 at the building entrance, one being handicapped. Dr. Levitt commented that the current use is non-medical office use. Mr. Gemmel noted that they want to have general office or professional use, but to also have medical if desired. Dr. Levitt said that parking can be a problem with certain medical uses. Mr. Gemmel made a comparison to two of Mr. Mirenda's other two sites in Northfield which have medical uses. One is exclusively medical and the other can have no more than 50% medical use. He stated that the parking ratio for those two sites is not as good as this proposed site and added that the other two sites are working perfectly. Mr. Morrissey noted that they could possibly add 7 more spaces if they had to. Dr. Levitt said a change in ownership could cause a problem. Mr. Morrissey described where they could add additional spaces and said it would eat up some of the landscaping and involve stacked parking all the way up to the fence. Dr. Levitt said this would affect drainage and other calculations and asked if they would consider 50% medical. Mr. Gemmel asked that the Board listen to the whole presentation as it is their belief that there is adequate parking.

Mr. Morrissey addressed negative criteria. He said the variances would not impair the Zoning plan and that the use is consistent with uses in the vicinity. The 'cleaning up' of the property will by far outweigh any parking issue. He added that the 25% residential area that exists at the site is not large enough to support a residential building. He feels the site with its split zoning is unique and would not be further copied.

Mr. Morrissey addressed the bulk variances. He said seven were originally being sought, but one is not going to be needed and he will address that later. The lot size is just over 21,000 sf which conforms. There are six bulk variances. The first is for lot width which is existing and they have no control over it. The property would be undevelopable if they did not receive this variance. 125 ft. is required and the lot width is less than 104 ft. The second is for the front yard setback where 50 ft. is required and the building sits at 40 ft. from the front. The third is for a side yard setback. 10 ft. is required and 2.68 ft. is existing. The fourth is for a buffer requirement. 15 ft. is required and they are proposing an 8 ft. high fence buffer with a planting scheme on the inside the fence with a similar softer, kinder buffer on the southerly side. A 15 ft. buffer of evergreens would only benefit the inside of the property due to the fence and would not benefit any adjoining properties and

would be a harsher view. The fifth variance is for buffering from parking and loading areas at 50 ft. from a residential zone. The size of the property limits this requirement. They are also not proposing a loading area as they will only have deliveries from carriers such as UPS or Fed EX as is common with medical offices. The loading area will not be necessary and delivery trucks can park temporarily in a stall for a short time. Mr. Doran added that loading zones are not a requirement for buildings less than 5000 sq. ft.

Mr. Morrissey discussed the parking ratio. For medical uses, the ratio is 1 space per 150 sf. His calculations are consistent with national standards and he noted that Northfield is more restrictive with parking. He made comparisons with Galloway at 1 space per 200 sf and the 1555 Zion Road building as well as the MRI building on Tilton Road. Dr. Levitt reminded that the types of medical uses are different. Mr. Shippen asked about an area in the back which could be used for parking if some of the landscaping was eliminated. Dr. Levitt said that there is a trash enclosure there and he is reluctant to eliminate any landscaping for a use that might not be needed. Mr. Gemmel commented that there is an alternative on site, but they do not feel this will be necessary. They could possibly increase the parking to 26 spaces and can amend the site plan if necessary. Mayor Mazzeo stated that he likes the new design and doesn't want to see it lessened. Dr. Levitt agreed and said he likes the idea of a mixed use and asked if the use turned out to be 100% medical, would they be willing to come back before the Board for an interpretation. Mr. Miranda said that would not be a problem. Mr. Zlotnick commented on the timing of the development and the locating of a tenant. Dr. Levitt said every effort would be made to get them before the Board as soon as possible for an interpretation. If there is more than 50% medical use, they will need to show they have adequate parking and must come back before the Board to show that the use satisfies the intent of the original approval. Mr. Shippen suggested the applicants address any drainage issues and to determine if stacked parking is needed before paving the parking areas. Mr. Morrissey said they considered parking in the front, but that would be an unsafe design. Dr. Levitt said parking is not permitted within 20 ft.

Mr. Morrissey addressed signage and they feel they can comply with the 50 sf requirement for both the free standing sign and the building mounted sign and they retracted the request for that variance. He then discussed waivers. They are requesting a waiver for the double row of evergreens (buffer) at the interior of the fence since they feel this will be unnecessary and won't provide a buffer due to the fence. The second waiver is for the 4 ft. planting strip around the building since the configuration does not allow this to occur. They intend to have landscaping along the property. The third waiver is for the driveway width. The requirement in a commercial zone is 30 ft. and they are proposing 25 ft. at the street. Dr. Levitt commented that the State will review this. Waiver four is for no commercial parking within 50 ft. of a residential zone which they feel it would be difficult to comply. Waiver five is for no parking within 20 ft. of a building. They would have to remove parking spaces to comply with this. Waiver six is for 10 ft. planting screen on property lines. Mr. Gemmel asked Mr. Morrissey if he feels the purposes of the Municipal Land law would be advanced by approval of this application, if the benefits outweigh the detriments with the granting of the variances and waivers, and that there is no detriment to the Zone plan or Zone scheme. He agreed and ended his testimony.

Mr. Rob Curtain, the architect for the project testified next. He described the building as sprung steel structure and said it currently is dilapidated, but the building is salvageable. They would like to take the 'green' approach and take the building to a structural skeleton and re-skin the building. They will not be changing the height, length, or width but will renovate using construction materials in use today.

Mr. O'Grady asked Mr. Curtain about the removal of trees. They plan to remove five major Oak trees. Dr. Levitt asked if anything could be done to save the trees. Mr. Curtain commented that they looked into the tree situation at the beginning and the trade off of the tree removal for not impacting the parking spaces, salvaging the building and being a better neighbor with all the improvements would be better for the City overall. Dr. Levitt noted that the plan shows planting Red Maples and he said, from experience, this type of tree is not a good idea. Red Oaks produce

numerous problems, especially root problems. Mr. Mirenda said he would rather plant flowering trees such as Bradford Pear trees. He agrees that Red Maples are dirty trees which drop seven times a year. Mr. Curtain said the Pear trees can grow twenty plus feet tall. Mr. Mirenda said he would discuss tree types with the neighbors and Engineer. Dr. Levitt commented that there are five substantial trees (200 year old Oaks are there now) and he would like to see substantial trees replace any sizeable trees removed.

Dr. Levitt opened the public session. The first to speak was Seth Brilliant who resides at 2329 Merritt Drive (Block 82, Lot 6). He was sworn in by the Chairman. He lives immediately behind the proposed development and believes the plan is desirable for the City. The site has been full of dirty U-Haul trucks for a long time and Mr. Mirenda has been gracious in speaking with the neighbors. He thinks the project is good for the City and the neighborhood. His concerns are with the buffer. There is now an 8 ft. high fence there and he wants to keep it that way. He would prefer a wooden fence to a vinyl fence. Mr. Mirenda agreed to replace the fence with another wood fence and agrees with the neighbors. Mr. Brilliant stated that he has had \$3000 worth of trees removed from his property because they were dying and he feels it is a good idea to replace them. He has some concerns with the zoning for the property and the intensity of the use that may exist. The property does back up to a residential area he is wondering if medical use is consistent with uses already there. He feels medical use will increase the intensity. Dr. Levitt commented that medical use is a permitted use in the CB Zone and that 50% medical use is justified and if the percentage increases, they will need to come back before the Board. Mr. Brilliant asked what would happen if the type of medical use changed. Dr. Levitt said they would have to come back before the Board for a change of use. Mr. Brilliant commented about Somers Point and the medical office that became a methadone clinic. Dr. Levitt said any change like that would also be a change of use.

The next member of the public to speak was Vernon Cooper of 31 Franklin Avenue (Block 148, Lot 4). He commented on increased traffic and the affect on the school. He asked if any revenue would be generated for the community or if it would be just personal gain. He feels the project will be jamming up a congested area more than it is now. He understands it is an eyesore, but asked "what about the kids"? He wants the Board to give it more thought.

Ray Wells of 2517 Helen Drive (Block 33, Lot 37) commented that the building is blighted. He feels the access will be too narrow and the area will be too jammed up and will become a traffic nightmare. He agrees the building can't be saved since he has been inside. Mr. Doran and Mr. Shippen said the access will be 25 ft. Dr. Levitt said the State has the ultimate control on the access footage. Mr. Mirenda added that if the State says he must have a 30 ft. access, he will put in 30 ft.

Frank Sharp of 124 E. Oakcrest Avenue (Block 157, Lot 28) commented the area is highly congested with The Plaza and the gas station across the street. It is hard to make a left turn and the landscaping will make it more difficult to see. Dr. Levitt described the zone and said the use is permitted. Office professional is one of the least intensive uses and they have a right to develop the property.

Rob Giovanelli, who resides at 200 W. Revere Avenue (Block 73, Lot 19), is worried about traffic and the impact, but he doesn't want an unoccupied building either. Dr. Levitt said there is State case law which says they can't deny a developer's rights to build by what is happening off site.

Rick Brozosky of 207 E. Surrey Avenue (Block 171, Lot 3) said he is concerned with the use variance and its affect on the surrounding residential areas and their resale value. Although he is not opposed to commercial development, he feels this project is in the backyards of residential homes and will add to congestion and gridlock on New Road.

There was no one else who wished to speak and Dr. Levitt closed the public session. All members of the public who spoke were sworn in by Dr. Levitt before speaking. The Chairman called for a brief 5 minute recess at 9:03 p.m. The meeting re-opened at 9:07 p.m.

Mr. Doran discussed the sidewalk situation. Curbs partially exist at the site and the applicant is proposing to finish the curbing and install new sidewalks along the front of the property. Mr. Doran suggested additional right-of-way should be dedicated or there should be a sidewalk easement in favor of the City or noted that the public can use it since the sidewalk will be located on private property. Mr. Gemmel said he will provide an easement stating the sidewalk is a public sidewalk even though it is located on private property. Mr. Doran said mechanicals must be screened and they have two street trees but they need three by ordinance unless a waiver is granted. Dr. Levitt noted that a third tree will not fit.

Mr. Gemmel gave a brief summary and handed Mr. Zlotnick a written version of the variances requested for his records. Mr. Zlotnick read the list of variances and waivers and Mr. Doran agreed with them. Dr. Levitt added that a waiver is needed for one shade tree and that they have agreed to an easement for the sidewalk. Mr. Morrissey commented that if the state says they have to have a 30 ft. driveway, they would lose 5 ft. of landscaping. Dr. Levitt said they will have to refer to state design standards. Mr. Shippen said that parking spaces would be impacted also. Mr. Morrissey said two ft. to the north and 3 ft. to the south would be affected and other issues would also be raised and need to be looked into should this occur. Dr. Levitt suggested that should any standards change, Mr. Doran could handle them administratively. Mr. Morrissey said that possibly the neighboring property may want to continue the landscaping on their property for aesthetic enhancement. Dr. Levitt said it would be a good idea to obtain the same width, but if any substantial changes are made to the site plan, they would have to come back before the Board.

The "D" Variance was voted on first with Mayor Mazzeo and Mr. O'Grady abstaining as elected public officials. The motion was made by Mr. Milone and seconded by Mr. Shippen. The six other Board members present voted in favor or approval. The Bulk "C" variances and waivers were voted on next with a motion from Mr. Milone and a second from Mr. Clifford. All members present voted in favor of the variances. The last vote was for the major site plan, both preliminary and final, with a motion from Mr. Shippen and a second from Mr. Roegiers. All members present voted in favor.

Mr. O'Grady told the Board that City Council has approved the hiring of Tiffany Cuvilloas the City's COAH Consultant, and they are moving forward. Dr. Levitt said a COAH committee needs to be formed consisting of both Planning/Zoning Board members and City Council members.

There are no resolutions to memorialize this evening. Mr. Zlotnick said the Jillson resolution will be available October, 16, 2008.

Dr. Levitt closed the meeting at 9:23 p.m. with a motion from Mr. Clifford and a second from Mr. O'Grady.

Respectfully submitted,

Robin Atlas, Secretary to the Board

