

**City of Northfield Planning Board
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Minutes: March 3, 2011

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 Board, held on Thursday, March 3, 2011 in Council Chambers, City Hall, Northfield, was opened by Dr. Richard Levitt at 6:58 p.m. and the following members were present or absent as noted:

**Linda Dyrek-absent
Chief Robert James
Denise Kintish
Dr. Richard Levitt
Mayor Vincent Mazzeo
Lou Milone
Henry Notaro-absent
Ron Roegiers
Clem Scharff
Jim Shippen
Councilman Steven Vain**

**Matthew Doran, Professional Engineer
Norman Zlotnick, Solicitor**

Mayor Mazzeo swore in Denise Kintish who will serve as Alternate #2 for a term of two years. Mrs. Kintish took her place on the dais and the meeting began with the first application. Harry Kent of 15 Catherine Place, Block 179.02, Lot 39, in the R-1 zone was sworn in by Chairman Levitt. Mr. Kent testified that he is proposing to construct a 15 ft. by 7 ft. porch five feet closer to the property line at the front. The house is now 20 ft. from the property line and he is proposing the home to be 15.3 ft. from the property line. The existing porch is 4 ft. x 6 ft. The porch is not covered currently and Mr. Kent is proposing to cover the porch, but will not be enclosing it. Mr. Kent will be adding architectural enhancements to the porch and will make the porch wider to match

the roof lines at the top. Mr. Roegiers clarified that the proposed porch will be five feet forward into the existing footprint. Mr. Doran clarified that the addition of the roofed porch in the front yard is the reason for the variance. Dr. Levitt said that the porch is enhanced with the addition of pillars and he asked Mr. Kent to give a statement as to why he feels this project will not interfere with the Land Use Ordinance. Mr. Kent stated that there are no detriments and the new porch will beautify the home, the street, and the neighborhood and will have a positive effect. Mr. Doran said that visual environment is one of the items of positive criteria the Board can use and for negative criteria, it is for the Board to decide whether or not the project affects the neighborhood or zoning laws. Mr. Doran said there are two on-street parking stalls and curbs, sidewalks and trees need to be discussed. Mr. Kent stated that there no sidewalks on the entire dead-end street. Curbs exist and there are many trees. Mr. Kent presented a photograph to the Board showing several large trees. Dr. Levitt asked if anyone from the public wished to be heard and seeing no one, he closed the public session. Mr. Doran noted that the plan shows minor encroachments over the rear property line. There is an existing shed which encroaches 1 ft. and a small section of fence encroaches 2.2 ft.

Mr. Scharff made the motion for the visual enhancement provided by the addition of a cover porch which encroaches on the front setback and to waive the sidewalks and shade trees 30 ft. on center. Mr. Shippen seconded the motion.

The roll call vote was as follows:

Mrs. Dyrek-absent, Chief James=yes, Mrs. Kintish=yes, Mayor Mazzeo=yes, Mr. Milone=yes, Mr. Notaro-absent, Mr. Roegiers=yes, Mr. Scharff=yes, Mr. Shippen=yes, Councilman Vain=yes, Chairman Levitt=yes. The motion for the "C" variance carries.

The second application is from Northfield Liquors, LLC, Block 16.01, Lots 61, 62 and 63.02, 200 Tilton Road in the R-C (Regional Commercial Business Zone). The attorney for the applicant was Michael J. Blee of Absecon. He introduced Leo Schoffer, General Manager and owner of Kensington Square, LLC, Andrew Simpson, one of the owners of Northfield Liquors, LLC, Dominic Mercuri of Dom Mercuri Signs and Nick Kappatos, a representative of the sign company. Chairman Levitt swore in all of the witnesses.

Mr. Blee began by stating that Northfield Liquors was granted a liquor license by the City of Northfield and will operate as Bootleggers Liquor. They are seeking a variance for the replacement of an existing westerly sign with an upgraded sign. The variances include a height variance for an 18 ft. sign where 15 ft. is permitted, a size variance for 48 sf where 50 sf is required. The existing sign is 119 sf in entirety and they will be reducing this to 112 sf. There are also variances involving the two LED panels since the ordinance requires that signs

have no flashing lights. They will be using the original location for the sign, but according to Mr. Doran's report, there is also a setback variance where 15 ft. is required and 10 ft. is proposed.

Mr. Blee introduced his first witness, Leo Schoffer and stated that Mr. Schoffer's attorney, Joel Fleishman, was also present to answer any questions. Mr. Schoffer addressed the Board and said he is the managing member and owner/operator of Kensington Square which was purchased in 2006. They had a vision of redevelopment for downtown Northfield and in spite of bad economic times, they have not had to compromise on that vision and have stayed the course. He gave the Board a list of current businesses and the list was noted as Exhibit A-1. The Home Marketplace includes Kensington Furniture and Mattress, Kitchen Kapers, Creative Window Design Center and K Kitchens and the Home Improvement Gallery, The Shops at the Square include Keller Williams Realty (G-5), Formica Brother's Bakery and Café (G-6), Accents Sophisticated Accessories (G-7) and Surroundings Fine Furniture Studio (G-8). Bootleggers Discount Liquors is currently under interior construction and will occupy G-9 in the spring.

Exhibit A-2 is a floor plan of Kensington Square showing G-9 which was an addition formerly occupied by Ethan Allen Furniture. The existing sign located in the westerly section of the property and cited for replacement was originally for Ethan Allen and when they were previously before the Board, they asked for the sign to remain for use by a future lessor. There has been a lot of interest, but they were unable to find the right tenant. Bootleggers will be a welcome addition and will be good for the other businesses in the square. Kensington Square will then have all retail occupancies in the front which is consistent and important to the other tenants and they have taken great care with their signage.

In conclusion, Mr. Schoffer thanked the Board for their support in the past and for their continued support. Mr. Blee asked Mr. Schoffer to give an idea of the lot and building sizes. Mr. Schoffer said the land is 10 acres in size and the building space is 163,050 sf. The current total signage is 439 sf and will become 432 sf with 2 sf of signage per every 377 sf of building. He feels that the site is not over signed. Mr. Blee asked Mr. Schoffer to explain the importance of the LED panels. Mr. Schoffer said 2011 is a difficult year from an economic sense and he wants to give the tenants as much support as possible. The second panel can be shared with other tenants on a rotating basis according to sales and special events. He feels a good landlord needs to do this. Mr. Blee asked Mr. Schoffer if he had reviewed the Board's criteria for electronic reader board signs and if he accepted these conditions for the LED panel he would be responsible for. Mr. Schoffer said he accepts the conditions of the ordinance.

Dr. Levitt noted that Mr. Schoffer has done a remarkable job in getting the center filled and that this speaks highly of his skills. He added that the current sign is a decorative sign with a wagon wheel top and he feels the new sign is of the box-style and is not consistent with what exists currently. Mr. Schoffer answered that the new sign relates more to the liquor store and the concern is to keep the square footage down. If more sf were available, they would be able to improve the look of the sign.

The second witness to testify was Andrew Simpson. He purchased the liquor license from the City. He described his business plan. He is leasing the 15,000 sf store and wants it to look different from Canal's warehouse look. The store will have a 5000 sf beer box and will have lower shelving up front. The look will be more of a boutique-style and will be affordable. He expects to be open by April 15, 2011. Other business experience in Northfield includes the construction of the concession stand at Birch Grove Park. Mr. Simpson commented that the LED signage will give an advertising advantage over competition in Egg Harbor Township. Mr. Blee asked if Mr. Simpson review Mr. Doran's conditions and he said that he had and is acceptable to all conditions.

The third witness was Dom Mercuri, a sign planner and owner of Dom Mercuri Sign and Awning. He has been in business for 20 years and specializes in commercial, school, and institution signage. He first did an electronic message board 20 years ago for the University of Delaware and has done about 20 comparable signs over the years. Locally he has completed LED component signs for Harry Kent for Congo Falls in Ocean City and Atlantic City Bar and Grille and has testified before approximately six boards.

Mr. Mercuri described the proposed sign. It is a pylon type of sign. The top is two sided and internally illuminated. Underneath are two 4 ft. x 8 ft. identical panels, full color, and radio controlled from the liquor store and which can be programmed 30 days ahead. He described the existing sign. It is internally illuminated and sits between two 8 ft. x 8 ft. poles. The rendition showing the existing and proposed signs is Exhibit A-3. The location of the new sign is almost identical to the current location. They will place the new sign at a location that is 6 inches different. This is due to the current poles being rusted. They will not place the sign any closer to the road; it will be moved to the east. Mr. Roegiers commented that the sign will be a lateral move. Mr. Mercuri agreed and said they want to build a new foundation for the posts since they do not know the history of the older posts. Mr. Mercuri discussed the height dimensions. They will be keeping three feet open at the base and there will be space between the LED signs. There will be no obstruction for other businesses due to the sign and there are no residential homes in the area. Mr. Mercuri said the new sign will have a cleaner look and a more compact image and he commented that there is beauty in simplicity. Mr. Mercuri discussed square footage and said the existing

sign is about 10 sf larger. A discussion between Dr. Levitt and Mr. Mercuri over whether or not the decorative part of the existing sign is included in total square footage ensued. Mr. Blee produced Exhibit A-4 which showed square footage of the existing sign. Dr. Levitt said in considering signage only, the sign is now 70 sf and when adding the sf for the wagon wheel decorative portion, the sign is 119 sf. Mr. Mercuri spoke about the LED advantages and said multiple messages will be displayed throughout the year and it will give his customer a marketing tool to fully advertise and be flexible with the content. The sign can easily be changed at a computer.

The fourth witness was Nick Kappatos who works with the sign company. He showed a photo rendition of an older type sign where letters had to be changed by hand. He added that he wanted to address why they didn't include a decorative top to the sign. The ordinance says that decoration is part of the square footage of the sign and they didn't want the sign to be any larger. Mr. Mercuri said the new sign will last longer and will be better built. Mr. Kapatos presented exhibits A-5 and A-6 which were more photo renditions of older style signs. They also displayed a photo exhibit of the existing sign in the middle of the shopping center. The existing sign is 24 ft. ft. high and 17 ft. wide. The new sign will be located at the end of the property. Mr. Mercuri said he surveyed the area and there are other LED signs within 100 ft. to the west of Kensington at Tilton Inn and Produce Junction. To the east LED signs exist at The Bank and Tilton Market. Dr. Levitt added that there is also an LED sign at the Credit Union on New Road which was the first subject approved under the new strict criteria. Mr. Blee said the applicant is fine with the criteria. Mr. Mercuri added that there is no substantial detriment to the public good or the intent of zoning laws, and the sign will be clean, state of the art, and simple. He noted that there are many larger old signs on Tilton Road that are not aesthetically pleasing. That will not be the case with this new sign. He said there is nothing negative about the sign. Mr. Roegiers asked about landscaping around the sign. Dr. Levitt said he would like to see decorative landscaping shrubs and that none are shown on the site plan. He said this can be approved administratively. Mr. Blee said they would be happy to make the sign more decorative if the Board would want that. Dr. Levitt said since the application has been advertised for a specific height, they should stick with that in asking for a variance.

Dr. Levitt referred to the sign criteria mention in Mr. Doran's report regarding text limited to no more than three non-moving lines, graphics limited to one color, also non-moving, and a maximum of one text change per day between 12 a.m. and 6 a.m. Mr. Kapatos said every color available and imaginable can be used for the sign, but they agree to the criteria.

Mr. Blee discussed the situation where Mr. Simpson went to the building department for façade sign permits and the Zoning Officer considered these façade signs and the legality. Exhibit A-7 displayed a photo of the previous façade signs. Dr. Levitt said these signs are pre-existing and are grandfathered. Mr. Simpson commented that their façade signs will be smaller than the originals. Mr. Doran said that Mr. Dattalo had concerns due to the ordinance stating that no sign shall be located above the eave of a building and he didn't know if signs were there beforehand. Dr. Levitt said he thought the Board would have no problem grandfathering these façade signs since they are proposing the same type of signage and that this could be written into the resolution. Exhibit A-8 showed a photo of each façade sign including square footage as evidence. Mr. Blee said they looked at the roofline as the peak of the roof and not the eaves. Mr. Schoeffler noted that when they were before the Board previously, they requested a sign package and received approval for a certain total square footage of signage. They have since been subtracting from this number as signage is being placed at the site. Mr. Blee had no further questions. Mr. Scharff asked about the height of the façade signs. In viewing the A-8 specs, it was found that the height is 24 inches.

Dr. Levitt discussed signage on Tilton Road and said as it exists now, everything is trying to grab your attention and has concerns about signage going higher and higher. Mr. Simpson said that if they brought the total sign height lower, the bottom sign would be near to the ground. Mr. Kapatos said the sign height is similar in comparison to other area signs even though they are in another municipality. They also don't want to lose the one foot space between the LED signs. Mr. Shippen commented that he likes the LED separation which allows for distinguishing messages easily.

Chairman Levitt opened the public session. Harry Kent of 15 Catherine Place was sworn in again to testify on this application. He said Mr. Mercuri did a great job for him personally on his Ocean City Boardwalk signs. He feels Kensington is doing some nice things on Tilton Road. He added that signage should be consistent with what is there at the center. He said Mr. Mercuri will do a great job and the Board should give allowances if they want to make the sign more decorative. Dr. Levitt said he feels the Board is already giving a lot and he doesn't want to see sign wars on Tilton Road. How far can the Board go in allowing bigger and better signage? He said if they want a more decorative sign, they will have to go with a smaller sign. Mr. Mercuri suggested they could lower the spaced area by three inches each and add a six inch decorative pylon on top. Dr. Levitt said then they would need another variance since they would no longer have the required three foot opening at the bottom of the sign. Mr. Schoeffler said that they desire to have each store look unique and different. Each store has different signage but they complement each other. They want an eclectic look. He would prefer an extra six inches of signage rather than losing

three inches in the space areas. He feels an extra six inches won't be noticed and that the entire sign package needs to be looked at due to the size of the shopping center. Dr. Levitt closed the public session seeing that no one else wished to speak.

A discussion between the Board members on the decorative sign issue developed. Mr. Shippen said he would rather grant the six inches than minimize the bottom space. He feels the sign is contemporary along with the store itself. Mr. Vain agreed. Mr. Scharff felt that a monolith with colonial type fixtures on top won't really work. Dr. Levitt agreed that the sign should be more plain and contemporary.

Mr. Scharff made the motion for "C" variances for a height of 18 ft., a size of 112 sf, and a 10 ft. setback. The sign will conform to the new LED criteria in that there will be no flashing lights, no moving graphics, one text change per day between 12 a.m. and 6 a.m., there will be one color for text and one for background, there will be no more than three lines of text, landscaping will administratively approved by Mr. Doran, the facades signs will be grandfathered on the previous Ethan Allen portion of the building as façade dimensions are shown on Exhibit A-8 and the sign location will be permitted a slight lateral placement. Mr. Shippen seconded the motion.

The roll call vote was as follows:

Mrs. Dyrek-absent, Chief James=yes, Mrs. Kintish=yes, Mayor Mazzeo=yes, Mr. Milone=yes, Mr. Notaro-absent, Mr. Roegiers=yes, Mr. Scharff=yes, Mr. Shippen=yes, Councilman Vain=yes, Chairman Levitt=yes. The motion for the "C" variances carries.

The next item on the agenda was to memorialize resolutions. There were three that were approved at the February 3, 2011 meeting. The first was for Julie Ann Pepper, Block 119, Lot 15, 114 Mt. Vernon Avenue for "C" variances for a residential addition. Abstentions were Ron Roegiers and Jim Shippen. The voice vote was all in favor. The second was for Plaza 9, Inc.-Luke Palladino's Restaurant, Block 42, Lots 1.02 & 10, 1333 New Road for a conditional use variance, "C" variance for parking and a site plan waiver. Abstentions were Ron Roegiers and Jim Shippen, and Mayor Mazzeo and Steve Vain as elected officials. The voice vote was all in favor. The third was for Open Range Communication, Inc., Block 16.01, Lot 40, 1473 Burton Avenue for a minor site plan to co-exist on a site tower. Abstentions were Ron Roegiers and Jim Shippen. The voice vote was all in favor.

The final item on the agenda was a public hearing and discussion of the proposed changes to the Land Use Ordinance. This has been a two-year project that is now before the Board prior to submitting to City Council for final approval. Dr. Levitt addressed the public first. The Chairman said one of the proposed zoning

changes is a section of West Mill Road on the side that already contains several business properties. The change is to re-zone this area from R-1 to OP. Properties existing would be grandfathered and if the owners want to convert to business or sell as a business property, they can do so. Mr. Doran addressed another area along New Road in front of St. Gianna's Church (formerly St. Bernadette's Church). The area will be re-zoned OP instead of R-1. Dr. Levitt said this is proposed in case the church sold property along New Road. The re-zoning would permit only offices instead of residential homes. There are also proposed changes to the Country Club district with concentration on changes to minimum single family lot sizes and the townhouse villa district. Mr. Scharff added that one change from the original proposal is that hotel rooms would have to be larger than the original 200 sf allowed. Rooms would have to be the size of an average hotel room in Atlantic City.

Both The Press and The Sentinel were in attendance for reporting purposes. Dr. Levitt asked Lance Landgraf, the Professional Planner who has been working with the sub-committee, to give a report to the Board and to describe the biggest changes proposed. Chairman Levitt said that tonight's meeting is a preliminary discussion and recommendations will be finalized at the next Board meeting and then sent to Council.

Mr. Landgraf gave a review of sections of the ordinance that he worked on. The main area of concern is the Country Club zone consisting of 220 total acres. This includes areas of wetlands protected from development and 140 acres of uplands and meadows. The goal is to better provide for the future so as not to be super impacted by future development. Another goal is to preserve the golf course and its permitted uses and to increase the square footage of hotel rooms and golf villas. Dr. Levitt added that the zoning is residential and he gave a brief history of the zone. With the desired increased lot sizes, should there be any residential development, the lots would be larger and would preserve more open space. Mr. Landgraf said with the R-1 zoning which allows for 100 sf lots, it could be possible that 300 to 350 residential units could be built. Dr. Levitt said this is an impact the Planning Board cannot ignore. The proposal is for lot sizes of one acre (very dense 15,000 sf lots) with 125 ft. wide lots and large storm water basins which would allow for 50 to 55 buildable lots were the entire golf course to be eliminated. Mr. Scharff noted that for environmental reasons they adjusted the numbers so there would not be any associated runoff.

Mr. Landgraf said early on the sub-committee worked with Tiffany CuvIELLO on COAH issues, but presently this issue is in flux and it is not know in which direction COAH issues will be heading. The second and third round rules have been turned out by the Courts and this is why the sub-committee looked hard at some of the ordinances. They have kept in the ordinance the golf villas and opportunities for hotel development while keeping open space and preserving

waterfront areas. Mr. Scharff mentioned the multiple hotel/retail/store uses which will be allowed. Dr. Levitt said a small conference center with small auxiliary retail uses would be welcomed. The Board wants to be flexible with the Country Club in allowing these kinds of uses which would compliment the golf course. This is an extremely complex issue and when the ordinance was written in 1986, it was designed around the Frasier family. The plan is to keep the golf course viable and to have this historic asset remain in the city. It is not desired to not have full scale residential development and it is an important goal to keep Atlantic City Country Club as our neighbor.

Mr. Landgraf concluded his review. A review of proposed changes to the Land Use Ordinance will continue at the next meeting on Thursday, April 7, 2011. Some of the highlighted items will include Senior Housing which Mr. Doran completed, the Solar/Wind section which Mr. Scharff wrote, proposed changes to the south side of Northfield Avenue to be re-zoned OP, and the small restaurants issue for those located in strip malls which Mr. Doran will look into concerning lot coverage and restrictions.

The meeting was closed at 8:42 p.m. by Chairman Levitt with a motion from Mr. Scharff and a second from Mr. Shippen.

Respectfully submitted,

Robin Atlas, Secretary to the Board