

City of Northfield Planning Board
1600 Shore Road
Northfield, New Jersey 08225
Telephone (609) 641-2832, ext. 127
Fax (609) 646-7175

Minutes: May 2, 2013

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, filed with the City Clerk, and posted on the City website, 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, May 2, 2013 in Council Chambers, City Hall, Northfield, was opened by Vice Chairman, Clem Scharff at 7:08 p.m. and the following members were present or absent as noted:

Linda Dyrek
Denise Kintish
Dr. Richard Levitt
Mayor Vincent Mazzeo
Lou Milone-absent
Sgt. Paul Newman
Henry Notaro
Councilman Frank Perri-absent
Ron Roegiers-absent
Derek Rowe
Clem Scharff
Jim Shippen

Matthew Doran, Professional Engineer
Norman Zlotnick, Solicitor-absent; Jacqueline Stiles, Esquire present

The first application to be heard this evening was presented by Andrew L. Miller, Esquire of Northfield, NJ for Block 59, Lots 1 & 2.02, Unit#10, 801 Tilton Road, which is the location of the Island Gym Shopping Center in the C-B Zone. The applicant wants to open a Stress Relief Center and is seeking a "D" Use Variance and site plan waiver, as no changes to the site are proposed.

Mr. Miller addressed the Board and stated that the applicants want to operate a personal service center which will provide therapeutic massage. Massage Parlors are a non-permitted use under Section 215-151. Mr. Miller said this will be of the new style of massage service. When the Ordinance was drafted, this type of service did not exist. The Ordinance was written to protect the city from the old style massage parlors. There will be little privacy and it will operate more like those seen in airports and malls. No clothing will be removed and a patron can visit the center for 10 minutes or more. Mr. Miller noted that the applicants speak little English and Guiying Su's daughter, Bei Shi will interpret.

Mr. Miller continued by referring to an Exhibit which is part of the application. It displayed a photograph, a rendition of the store's interior, and some notes. A section of the store will have rolling partitions for some privacy, but there will be no private rooms. Mr. Miller's clients have been performing these services for years. Ms. Ma has a similar location on the Atlantic City Boardwalk which is seasonal and Ms. Su operated a store in Cape May for five years which was also seasonal. They are good tenants who pay their rent on time and they are looking to establish a year-round business. They feel this location in the Island Gym Plaza is ideal as it will be located next to the gym itself and also a Mixed Martial Arts store as well as a health and beauty store. Many potential customers will walk by and see their store, and this will help them to become known and attract customers. They feel many would walk in for a ten minute massage. There is a typical style massage parlor down the road at the Pep Boys Shopping Center in Egg Harbor Township and for a customer with little time, it is an ordeal. You have to remove your clothes, and have your skin oiled, and something like this would not work on a lunch hour. Massage is good for the body and soul and many new people will enjoy this type of fast, uncomplicated service.

Mr. Miller continued with his introduction and said both women have thousands of hours of experience. Ms. Ma is a licensed massage therapist in New Jersey and her license is current and in good standing. Ms. Su has a certificate from an approved facility in Mays Landing that is inactive at present. They both are knowledgeable about anatomy and they know CPR and they want to take their expertise to the next level by opening a year-round store in Northfield in a regional commercial zone. Mr. Miller said he feels this is a perfect place for this type of store.

Mr. Miller said the Stress Relief Center will be highly visible and open. He added that the Ordinance is not totally defined. He noted this type of use is not categorized under personal service, is not Medical, Osteopathic, or considered Physical Therapy and due to the Ordinance definitions, which he feels is antiquated, his clients need a variance.

Mr. Scharff swore in Li M. Ma of Atlantic City, NJ and Guiying Su, of Egg Harbor Township as well as Ms. Su's daughter, Bei Shi who will translate and interpret. It was noted that she will also serve as the receptionist for the center.

At 7:22 p.m., Chairman Levitt was present at the meeting. He unfortunately had a flat tire on a bike ride and had to repair the tire to get back to Northfield so that he could attend the meeting. Mr. Scharff continued to chair this portion of the meeting.

Testimony began with the applicants. Mr. Miller posed the questions for Ms. Shi to relate, listen to the response, and interpret the testimony back to Mr. Miller, the Board, and the public. They testified that they have well over 1000 hours of experience each. Previously Ms. Ma had a furniture store. She has since been in the massage business for eight years and has a valid Mercantile License. She has never had any complaints or violations. Mr. Miller referred to the diagram and said this type of business needs visibility and they intend to have video surveillance. They will not sell and oils or other products and will not provide anything but the massage service. They intend to have a water cooler and expect to have two massage employees and one manager/receptionist. The hours of operations will be 10:00 a.m. to 10:00 p.m. due to the activity at the gym and mixed martial arts locations and the necessity to provide

hours for people after work. They intend to do whatever is permitted by the landlord and the City of Northfield. They do not intend to cover the windows and want everyone to be able to see in. The store will be sanitary and disinfected and the only room with walls will be the bathroom.

Mr. Miller asked if a patron came in, and asked for something illegal, how they would react. Ms. Shi translated that they will tell them nicely that no such services are allowed and then ask them to leave. There will be a sign posted at the front desk and they will accept any Board restrictions to obtain the variance.

Mr. Miller described the benefits of massage therapy in that it is a stress reliever, it is relaxing, helps with posture, circulation, lowers blood pressure, helps with pain management and other medical issues, and promotes health and the general welfare of the public at large. Ms. Ma testified that the location is unique and will allow them to stay open year round. There is a lot of activity in the area and with the two athletic facilities right next store, there is an excellent source of business at this site. Mr. Miller stated that the massage center will not require any additional parking than what is currently available. They expect to have many patrons from the athletic facilities who will already be parked there. Others will be short term parking and are not expected to be there for any extended period. There is no detriment to the public good and the benefits outweigh any detriments and they are promoting the health and well-being of the public and the use will be consistent with and supportive of the zone plan and ordinance. Mr. Miller asked if the Board wanted direct testimony from Ms. Su as well. Mr. Scharff said her State certificate covers her testimony. Mrs. Kintish asked how many hours Ms. Su has in massage therapy and Mr. Miller said the women have thousands of hours of experience. Mr. Miller added that they needed 500 hours of experience to obtain their licenses and they have both been doing massage for a long time.

Mr. Doran addressed his report and said they are proposing no changes to the site plan and have agreed to comply with signage. They gave testimony as to positive and negative criteria under Municipal Land Use Law and the Board will need to agree that the testimony is sufficient. Mayor Mazzeo asked about the hours of operation. Mr. Miller said they expect to be open between 10:00 a.m. and 10:00 p.m. He noted that the gym is open 24 hours. The Mayor said it appears the business, with quick massages, will have a large turnover. Mr. Miller agreed and said it will be as in airports where people will sit in chairs for 10 to 15 minutes for a quick massage. Mr. Scharff said it is a convenient service as opposed to day spas which require appointments. Mayor Mazzeo asked about longer massages. Mr. Miller said they can make an appointment for such and can use the tables with the rolling curtains. Males may take their shirts off, but nothing below the waist. Mrs. Dyrek asked how they will charge their fees. Ms. Hi said by the minute. Mr. Miller said people can come in for a quick massage on their lunch break and many more people will have the ability to experience massage therapy. Sgt. Newman asked about the location of the unit they will be leasing. Mr. Miller said that looking from the Island Gym it would be to the left. There is the gym and the MMA store, then unit #10 which they will occupy, then NovaCare and the beauty store. Sgt. Newman asked about their other businesses and how many customers they can expect to see per hour. Ms. Shi answered that they expect more people during lunchtimes and if whole families come in, the hour would be busier. The

number of people will vary and they expect to be busier on the weekends. Mr. Scharff mentioned to keep in mind that their other current store is a Boardwalk location.

Mr. Scharff opened the public session and seeing that no one wished to speak on this application, he closed the public session. Mr. Scharff noted that he feel this is the right location for this massage therapy center. Dr. Levitt said that given that our retail centers have been struggling lately, we need to be more creative and liberal to keep businesses viable.

Mr. Scharff asked for a motion to move forward to grant a "D" use variance for the Stress Relief Center of Northfield to operate in unit #10 of the Island Gym Shopping Center. Mr. Shippen made the motion and Dr. Levitt seconded the motion.

The roll call vote was as follows:

Mrs. Dyrek-yes, Mrs. Kintish-yes, Mayor Mazzeo-no vote as elected official, Mr. Milone-absent, Sgt. Newman-yes, Mr. Notaro-yes, Councilman Perri-absent, Mr. Roegiers-absent, Mr. Rowe-yes, Mr. Scharff-yes, Mr. Shippen-yes, Chairman Levitt-yes. The motion to approve the "D" Use Variance carries.

Dr. Levitt assumed the chair for the remainder of the meeting. The second application is from Siganos Realty, LLC. Mr. A. Steven Fabietti of the Law Offices of Gruccio, Pepper, De Santo & Ruth, P.A. of Vineland, NJ introduced himself as the Attorney for Siganos as well as the witnesses he has with him this night. Present were George Siganos, the corporation owner, Robert Bruce, Engineer, Tom Darcy, Esq., Professional Planner for this project and John Facetta, the golf course designer.

Mr. Fabietti said his client is seeking a Use Variance and site plan approval to develop a miniature golf course on currently vacant ground off Tilton Road in Block 41, Lot 22, portions of Lots 5,13 and 14 and with regards to parking, Lots 4 through 7, 12 through 14 and 22 and 23. The site is in two zones; the C-B zone and the O-PB zone. Siganos Realty, LLC was previously before the Board about a year ago for Conditional Use approval to operate a Yogurt Shop and it has been in operation for almost a year. The idea for the golf course project came to Mr. Siganos to tie in with the yogurt store.

Mr. Fabietti called Tom Darcy, Esq., to testify. He gave his credentials and stated that he is a Profession Planner since 1979 and an Attorney since 1977. He has worked in Land Use and Zoning for the extent of his career.

Mr. Darcy described the location in the O-PB and CB zones. The miniature golf course would be located in both zones. He said that the golf course is not permitted even though the Master Plan discusses them as valuable assets. Special reasons are needed to grant the variance.

Mr. Darcy described four specific special reasons of Municipal Land Use Law which he feels specifically relate to the granting of a use variance for this project (sections 2-a,g,j and c). He testified at length to this. Section 2-a is the most common basis for commercial facilities to state that the project will promote general welfare in that the site is well suited for the use and also that the facility fulfills a need. The City completed its most recent update of the Master Plan in 2008; one of the general goals and objectives noted is to provide commercial business activity and a recreational component. Section 5 references golf courses directly and mentions a miniature golf course at Birch Grove Park which has since been removed and replaced by a more advanced playground and also the Driving Range on Tilton Road which is described as valuable. This mini course located at the driving range is small and old and only has 9 holes, but it is still a resource. Mr. Darcy stated that recreational facilities are important to quality of life. He continued by saying that the Master Plan recognized that there is a deficiency and there is no specific line item on this, but Northfield expressed in this plan that it wanted to expand and improve open space areas for the benefit of all residents with both public and private commercial recreational facilities. Mr. Darcy noted that Atlantic County has an open space and recreational plan which agrees with the insights of Northfield. They referred to miniature golf facilities in Egg Harbor Township, Northfield, and Ventnor and recognized them as valuable.

Mr. Darcy continued by explaining the benefits of golf. Golfing is not like organizational youth sports. It is an expensive sport and large areas are needed for golf courses. Exposing youth to the basic elements of golf at an early age is a benefit in that it teaches concentration and hand-eye coordination. An added benefit is that parents and grandparents can actively participate with the children and socialize as a family.

As to the site suitability test, there is no zone within the city where miniature golf is permitted. He looked at the zones in the city to see where one might be appropriate. He eliminated all residential districts, senior and adult housing, the Country Club zone which requires 100 acres, the N-B zone might have been appropriate since there is a conditional use section for parks and playgrounds, but this only applies to public and quasi-public facilities, not private facilities and a 5 acre minimum is required. Both Dr. Levitt and Mr. Scharff stated that this may be an error or typo and that the minimum may actually be .5 acres. Mr. Darcy said that the R-B zone can also be eliminated since it is a very small zone, and there is no room for development. There are four commercial districts remaining which are possibilities. The R-C Zone is a heavy commercial zone and would not be appropriate for a miniature golf course. The O-P Zone is limited to professional uses only. The only two zones which would work would be the C-B and O-PB zones which contain intermediate commercial facilities that the residents can take advantage of and he feels the lot is well-suited. The O-PB zone will contain the parking section and most of the golf course. In

referencing the O-PB section the Master Plan states that the office component should take place on New Road and along Tilton Road between Infield Avenue and Zion Road and provide a buffer to nearby residential lots. The use as a community recreational facility does not contravene the intent of the O-PB zone as defined in the Ordinance. Simply put, Mr. Darcy said that the Master Plan states that fronting on New Road is supposed to be an office structure type facility and the lot which will hold the golf course would not front on New Road.

Mr. Darcy described the physical characteristics for site suitability. He stated that the parking lot is already built and improved. The other side of the site, the large portion encompassing Lots 12, 13 and 14, faces the rear of the Plaza and the Swift Law firm and UBS Office Building and it is shielded from the balance of the neighborhood by the backs of these buildings. The golf course itself, nearest to the residential southwest side of Northfield Avenue, is about 150 to 200 ft. from residents. The open space parking lot was designed for office buildings which were never developed. The back of the facility to Northfield Avenue and the entire area on the other side of the parking area will never be developed because there will not be available parking. This facilitates open space and the intent of the Master Plan.

Mr. Darcy further described the portion of the golf course on Tilton Road. There are 6 holes beyond the opening off Tilton Road as you come into the golf course site. Tilton Road is a major County Road with a County traffic count of 11,000 cars per day in the month of September and a slightly higher DOT figure. There is additional traffic in the summer and he feels any additional traffic due to the golf course facility will be de minimis. He added that there is substantial evidence in the Master Plan for this type of recreation and the site is suitable for this proposed use.

Mr. Darcy spoke about the other purposes of Municipal Land Use Law which provide positive criteria and he noted that the goal is to provide a variety of residential, agricultural, recreational, commercial, industrial, and open space aspects. This site and project addresses three of them notably, commercial, recreational, and open space. This project will provide adequate light, air and open space with a low profile development and satisfies positive criteria. As to negative criteria, the objective is not to impair the Master Plan or the Zoning Ordinance. The Master Plan inventoried two miniature golf courses as valuable assets. This is strong support that this proposed project will not be a detriment. One of the mini courses no longer exists and he suggested that since one has been lost, this provides support and justifies the granting of this use.

Miniature golf and other recreational activities no longer exist without being ADA compliant. The golf course on Tilton Road is old and does not comply. These recreations must now be available to include the handicapped and

challenged individuals and this project will provide that access. Mr. Darcy added that there is no substantial detriment to the public good. It will not substantially change or impair the character of the neighborhood and adequate buffering will be provided. They plan to construct a board on board fence which will buffer residents from the sight of the golf course. The importance is to balance the benefits and detriments. The only detriment is that this will be an outside activity where you would expect to see indoor activity. There may be an increase in noise and the addition of music, but this will be mitigated with strong controls including buffering and fencing. This is a unique opportunity for families and kids who may not have had the chance to experience this sport.

Mr. Fabietti noted that Mr. Doran mentioned a bulk variance in his report. Mr. Darcy addressed this by referring to the entranceway booth they intend to build for payments and equipment. He was unsure if this is considered an accessory structure to the principal use of the golf course or the principal structure on the lot. The booth is setback from Tilton Road 40 ft. The ordinance states a 50 ft. setback requirement in the C-B zone if it is considered a principal building. There is no requirement for an accessory building. Considering that it is a principal structure, and that there may be the need for a bulk variance by C1 or C2 standards for the 40 ft. setback where 50 ft. is required, all previous testimony for the use variance would more than apply to this bulk variance. The booth will be located behind the Swift building. It is a very small structure at approximately 8 ft. x 8 ft. and Mr. Darcy feels this variance, if necessary, can be granted.

Robert Bruce of Robert Bruce & Associates, Engineers and Planners of Somers Point testified next. He testified as to technical issues. Dr. Levitt asked if there would be any revolving windmills or electrical elements on the golf course. Mr. Fabietti said no. Mr. Bruce described the site, the proposed golf course, and access to the building which controls the course. They will construct a 6 ft. high board on board fence along the property line of the Swift and UBS buildings and parallel with Northfield Avenue which is a change from the original plan in accordance with recommendations from Matt Doran. The balance of the course will also be surrounded by a 4 ft. chain link fence facing the parking lot and parallel closest to Tilton Road. The board on board fence is primarily for the common neighborhood buffer. The applicant is honoring the required 15 ft. buffer with adjoining properties. Mr. Bruce said they plan to install landscaping around the golf course and will be retaining all of the trees on site. There are many large, developed trees and they will be building the course around them. The lighting will be pole-mounted fixtures adjacent to Tilton Road and in the parking area. A photograph showed attractive goose-necked pole lights about 7 to 8 ft. high which have a dome light that faces downward. The lights will not face Northfield Avenue and the bulb will not be visible. They plan to stripe a cross walk from Center Point to the golf course and will add handicapped curbs

and parking per Matt Doran's suggestions. Mr. Doran also included the landscaping recommendations in his report.

Dr. Levitt asked about the open space area between the 6 ft. fence and Northfield Avenue. Mr. Bruce said they are not proposing any additional landscaping in that area. Mr. Siganos said that area will be grass open space. Dr. Levitt suggested adding shrubs to break up the starkness of the fence and to soften the look on Northfield Avenue. Mr. Bruce and Mr. Siganos agreed to this. Mr. Shippen asked about the effect on the business area, namely, the Swift Law Firm and UBS building. Mr. Bruce said they have met with the business owners and they do not have any windows on the side facing the fence. They had no objections to a chain link fence and it will also provide visibility. Mr. Bruce said that the area between the golf course, the Swift building, and Tilton Road, which is paved and gravel in sections, will be removed so that people do not use it. He intends to add vegetation to the area. As to the parking count and dedication of spaces, a parking analysis was provided for the previous Yogurt Shop application. The count is now one space per hole of miniature golf and they will be using all of the parking spaces provided. Dr. Levitt noted that there are no standards for miniature golf courses and he said the Board would need information as to approximate player groups per hour as this will affect traffic flow. Mr. Bruce said he will refer to Mr. Facetta. The hours are expected to be 10:00 a.m. to 10:00 p.m. Monday to Thursday and until 11:00 p.m. on the weekends. The bulk of the business will be in the evening and the business will be seasonal from April to November. The busiest times will be after 6:00 p.m. when the Plaza shops are closed which will free up a lot of parking spaces. Play groups are expected to have three to four players and a round of golf will be about an hour. Dr. Levitt remarked that one space per golf hole seems reasonable. Mr. Bruce added that the recreational facility will be complimented by the Yogurt Shop and he added that the rear parking area will be used by employees. Dr. Levitt suggested a small sign directing patrons where to park for the miniature golf. The sign could direct people to the back parking lot and it could state "employee parking" as well. Mr. Shippen asked about the entryway and egress to Northfield Avenue. Mr. Bruce said there is an existing two-way driveway. Mr. Siganos said he built the parking lot about ten years ago along with access ingress and egress. Mr. Bruce said they will reduce the sign to 6.5 sf to conform to the Ordinance. Mr. Fabietti said there are no new driveways proposed as part of this application and they would have needed County approval as well as a soil conservation report. This won't be necessary.

Dr. Levitt said that at the time the parking lot was built, there was a reserved area for future development and he asked about the likelihood of the need to develop the area as an office or retail site in the future. Mr. Bruce said Mr. Siganos would have to make a decision. Mr. Siganos said he has no intention to develop the site as such and there is not a need to do that. Dr. Levitt agreed

that there are many sites in town which are for rent and unoccupied at this time.

Mr. Bruce continued by addressing trash. He said there is an existing dumpster which will be used for minor waste from the golf course. This use will not be a huge trash generator with items such as used score cards being thrown out. The employees would take any trash to the existing dumpster on site. As to storm water management, there will be a lot of stone traversing the course and the course will be graded so that runoff will filter off the holes areas. Mr. Shippen expressed concern that at 11:00 p.m. when the golf course closes, that cars exiting on Northfield Avenue will shine their headlights into homes and would it be possible to make the exit onto Tilton Road instead. He said he understands that currently the parking lot doesn't have a heavy use at night. Mr. Siganos said that 75% of parking will be available in front at night. Very few will use Northfield Avenue as an exit. Dr. Levitt noted that at night, few people will feel the need to park in the back lot. Mr. Siganos said there are plenty of other exits and there is adequate lighting in the parking lots.

Mr. Rowe commented that this is a large area and he had concerns that this will create a hangout atmosphere for teenagers. He asked about security and asked for Sgt. Newman's input. Mr. Bruce asked what would keep people hanging out once the round of golf was over. Mr. Rowe said the Yogurt Shop. Mr. Bruce said he sees miniature golf as more of a family-type activity. Mr. Fabietti said there will be fencing and the area will be totally closed in and will have a gate. Mr. Shippen mentioned that the only way in is through the booth area. Mr. Fabietti said that there is presently outdoor seating at the Yogurt Shop and there has not been any trouble and the area is very clean and is cleaned every night.

Mr. Fabietti said he has no specific testimony to present from Mr. Facetta but he noted that he has experience and that he has built over a few hundred golf courses in many states and can answer questions. Dr. Levitt felt that the plan was self-explanatory.

Mr. Doran said there are two remaining items to discuss; the sprinkler system for the landscaping and a recommendation that a sidewalk be installed in front of the parking lot so people will park in that lot. They agreed to abide by all the items in Mr. Doran's letter. Mr. Fabietti stated that they will staff two employees and will have two small ground level music speakers 90 to 100 ft. apart and will play low level music similar to what is currently played outside the yogurt shop. The music is low level now and will be in the future. Dr. Levitt added that he thought the fence should block any sound. Mr. Facetta said the speakers are small 3 inch speakers which cannot be heard 50 ft. away. Mr. Bruce said near the fence in the front area there will be a water feature as is evident in one of the photographs presented. Dr. Levitt said it appears to be a decorative

aesthetic feature. Mr. Bruce said this will have a fence surrounding it. Mr. Facetta added that there will be netting as well.

Dr. Levitt opened the public portion of the meeting.

Mr. Jeffrey Myers of 1219 Parker Avenue addressed the Board first. He asked for a copy of Mr. Doran's report and was sworn in. He stated that Mr. Darcy was inaccurate in saying that Tilton Road is a two lane street. He said it is not and there is not center turn lane at this portion of the road and since the County improvements, there is now a bottleneck situation as cars proceed into one lane from two. There is also a lot of swerving in the area in front of McDonald's. He felt that Tilton Road is a dangerous street. He lives on Parker Avenue which intersects Infield Avenue. He said that traffic flow is dangerous and he has grave concerns about traffic flow and the risk to people travelling through and the entire neighborhood due to the merge. As to Land Use, they need to demonstrate that there is a greater public good and he didn't believe that the testimony answered that. He said a dangerous road exists and they are shoehorning in on a small piece of land bordered by residents and they will be increasing not only the flow and danger of traffic but also the density of the neighborhood. Mr. Myers felt there was not enough testimony regarding the volume of noise and that there is not enough concern for the quality of life for the neighbors. He asked that the Board not approve the variance.

Mary Etta Loggi of 1224 Parker Avenue was sworn in and said she has concerns with traffic issues especially in the summer. She said the development will worsen an already existing problem. She cannot imagine how kids will be safe in cars that are pulling in and out of the site. Her main concern is for the kids. Dr. Levitt said the courts have determined that applications cannot be denied due to traffic beyond its control and that which is off site. He added that the facility is zoned for shops, offices, and restaurants which could generate much more traffic than a miniature golf course. Mrs. Loggi commented that the traffic is already there and she feels Tilton Road is an abomination and noted it is the only route leading directly to Margate.

Janice Myers of 1219 Parker Avenue was sworn in next. She said the golf course will attract teenagers being opened until 11:00 p.m. She mentioned that her husband works weekends and she feels the hours of operation are too late. There will be too much noise in general from kids in cars and radios. She said that the families will there in the earlier hours, but the older kids will make it a hangout and they will be on bikes, motorcycles, and in cars. This will affect their way of life and their neighborhood. Kids are not quiet, but businesses are quiet. She doesn't want to have to turn on her radio to block noise. She feels this project is close to where they live and she feels it is being forced down their throats.

Daniel Loggi of 1224 Parker Avenue was sworn in and addressed the Board next. As a former Board of Education member in Northfield, a former Atlantic County Superintendent of Schools as well as a Northfield Board of Education Superintendent and after speaking with his neighbors and hearing the testimony, he feels there is a problem here. After serving in 16 different school districts as a Superintendent of Schools, he commented that he never seen a chain link fence that didn't cause problems with kids. He thinks it would be a good idea to obtain input from educators and the Board of Education since they are involved with children and he feels more dialog is necessary before a decision can be made.

Dr. Levitt asked Mr. Myers if he had any comments on Mr. Doran's report after he was able to review it. He said not at this time. Mr. Fabietti said they will need County approval to proceed since Tilton Road is a County road. He added that he felt Mr. Darcy had contributed ample testimony as to positive impact. As to noise, he said that the residents who have spoken out are across Tilton Road and that his builder has advised that the noise won't be heard forty feet away and they are further away than that. Mrs. Dyrek commented that we have all played miniature golf at some point and it is a game that keeps moving from one hole to the next and it is not a hang out type of game. She suggested that the attendant keep people moving along and make sure they don't loiter. Mr. Fabietti said there will be two employees on staff with one in the booth and the other on site. Mr. Siganos said that his property has improved Northfield with the businesses he leases to and he keeps the property nice with flowers and with keeping the site clean. There is music now with the installation of the Yogurt Shop and it is played at a low level and he will not allow kids to congregate. Mrs. Myers said that the kids will hang out in the parking lot areas. Mr. Siganos stated that this will not be allowed. Mr. Myers commented that she works in a high school with only 60 kids and there are thirty staff members. She felt that this project is creating a central focus for a hangout. Mr. Siganos said he has security cameras on site. Sgt. Newman asked if there would be a phone line in the booth. Mr. Siganos said yes. Mayor Mazzeo asked about a cash management system in the booth. Mr. Siganos said there would be.

Dr. Levitt concluded that any commercial site has the potential to attract kids and they can behave in an unruly manner and can be loud. We have Police Officers who are trained to handle these situations. If kids are hanging out, Mr. Siganos won't make a profit. He felt that Mr. Siganos has done a fine job beautifying the site and feels he will police his property and this project will not be a detriment based on his past history. Dr. Levitt asked the neighbors if they felt that the Yogurt Shop has been an annoyance. Mrs. Myers said it has been and she hears kids on skateboards. They hang out in the commercial parking lot next to her property and she felt this is setting the stage for a potential neighborhood problem. Dr. Levitt reminded that the areas along Tilton Road are commercial properties. Mrs. Myers commented that she has

concerns. Dr. Levitt said he understands she has valid concerns, but in the unlikely event that any problems come up, they will be dealt with by the Police Department and the owner and any unruly groups of kids will be dispatched with. Dr. Levitt closed the public session and asked for any further questions from the Board. Mrs. Kintish verified with Mr. Fabietti that County approval is necessary because the site is located on a County Road and also that there will not be any new curb cuts.

Dr. Levitt asked for a motion and Mr. Scharff made the motion for the use variance, the setback variance, landscaping and the reference to operational hours and the later hours of 11:00 p.m. on Friday and Saturday nights. Mr. Shippen seconded the motion with the comments that he urged Mr. Siganos to keep in mind the concerns of the neighbors and to prevent anything from getting out of hand with rowdy teenagers. Anyone who lives nearby or within the City does not want that kind of environment.

The roll call vote was as follows:

Mrs. Dyrek-yes, Mrs. Kintish-yes, Mayor Mazzeo-no vote as elected official, Mr. Milone-absent, Sgt. Newman-yes, Mr. Notaro-yes, Councilman Perri-absent, Mr. Roegiers-absent, Mr. Rowe-no, Mr. Scharff-yes, Mr. Shippen-yes, Chairman Levitt-yes. The motion to approve the "D" Use Variance and the setback variance carries.

Dr. Levitt agreed with the sentiments of Mr. Shippen and asked Mr. Siganos to address the Police Department with any concerns and he hopes that the project will be an asset to the city.

The next meeting is scheduled for June 6, 2013 at 7:00 p.m.

There were no resolutions to memorialize this evening. Dr. Levitt urged the Board members to complete their Financial Disclosures using the new mandatory on-line procedure. The signed receipt page needs to be submitted to the Mary Canesi, City Clerk by May 31, 2013.

Mr. Shippen made the motion to close the meeting and Mrs. Dyrek seconded the motion. The meeting was closed by Chairman Levitt at 9:11 p.m.

Respectfully submitted,

Robin Atlas, Secretary to the Board