

**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, 2019**

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.

This REGULAR meeting of the Northfield Planning Board held on Thursday, May 2, 2019 in Council Chambers, City Hall, Northfield, was opened by Chairman Richard Levitt at 7:01 p.m. with the reading of the Sunshine Law and the following members present or absent as noted:

Mayor Erland Chau-absent  
Jim Leeds-absent  
Dr. Richard Levitt  
Joe Massari  
Chief Paul Newman  
Henry Notaro  
Councilman Frank Perri  
Daniel Reardon-absent  
Ron Roegiers  
Derek Rowe  
Clem Scharff-absent  
Jim Shippen  
Steve Vain

Matthew Doran, PE, PP-Planning Board Engineer  
Mark H. Stein, Esq.-Planning Board Solicitor

The first application was for James Lin of 2 Raina Drive, Block 1.01 Lot 2, in the R-1A zone. Dr. Levitt noted that he has worked with Mr. Lin but he felt there is no conflict and he could hear the application objectively. Mr. Stein agreed with his statement.

Mr. Evan Labov, with the law firm Hankin, Sandman, Palladino, Weintrob, & Bell of Atlantic City distributed a small version of the submitted plan to the Board members for convenience. Mr. Labov said they are before the Board for "C" variances for accessory buildings and lot coverage.

Mr. Lin was sworn in. Mr. Labov said his client believed the original contractor had obtained the necessary permits. Mr. Lin testified that the accessory buildings, two sheds and a gazebo were installed out of conformance. Mr. Lin hired Kelly's Landscaping to install the improvements and he was given a timeline in 2017 of completion by Memorial Day. The project was still not complete by July 4<sup>th</sup> and he fired the company. Mr. Lin then hired Bayview to complete the job and he assumed everything was in

order. The job was completed August 2017. Mr. Labov asked Mr. Lin if he understood his responsibility and he said he did and he blamed Kelly Landscaping for not following the proper steps.

Mr. Labov discussed the variances. The 140 sf shed (10 ft. x 14 ft.) located near the paver driveway and walkway requires a 3 ft. side yard setback where 1.78 ft. is proposed and existing. The second shed near the pool has a 3 ft. side yard setback requirement where 2.86 ft. is proposed and existing. A variance is needed for the south shed height where 12 ft. is the maximum height and 12.58 ft. is proposed. The gazebo has a setback requirement of 10 ft. and 7.91 ft. is proposed. The lot coverage requirement is 40% and 43% is proposed. If they were to get the coverage down to 40%, 617 sf of overage would have to be removed. Dr. Levitt asked if it is not imperious coverage and collects water. Mr. Labov wasn't sure, but said it is about double the size of the gazebo.

Jon Barnhart was sworn in for testimony. He surveyed the property as it sits today and said that the variances are very minor. There is no negative impact on anybody. If they were forced to move the accessory buildings to comply the impact on a neighbor would be the same. The shed deviations are slight and there are pavers involved. One shed has an almost 10 ft. setback on one side. The other shed sits on an angle and only a corner of it doesn't comply. The gazebo is an open structure. The lot coverage is only off by 3%. Mr. Lin keeps his property impeccably immaculate. The beauty of the property outweighs any detriment. If Mr. Lin had known Mr. Kelly did not pull permits, he would have complied before construction. His lot is a corner lot with a semi-wooded area next to the property that is not his, but it should remain open space. It comes to a pie shape and that area won't be built on.

Dr. Levitt asked about the impact of runoff to neighboring properties. Mr. Barnhart said there is none that he is aware of. Mr. Lin's fence does not run straight and this is because he avoided cutting down mature trees. Runoff runs onto his own property and his own planting areas. The shed height deviation is created by a raised step in the patio area.

Dr. Levitt opened the public session. Jeffrey Seals of 4 Raina Drive addressed the Board. He is Mr. Lin's next door neighbor. He stated he has no issues with the accessory sheds or gazebo and there have been no disruptions to his family. He said his neighbor's property is beautiful. There was no one else who wished to speak. Dr. Levitt closed the public session.

Mr. Barnhart summed up the application and said the variances are de minimis and it would be draconian to move the structures to conform. Dr. Levitt agreed and said the variances needed are de minimis and a matter of inches, and would involve costs. He also felt this was an innocent mistake on the homeowner's part and there was also no opposition from the neighbors.

Mr. Doran said he had nothing more to add from his report and that Mr. Barnhart did a good job of covering everything.

Mr. Shippen made the motion for the variances discussed. Mr. Roegiers seconded the motion.

The roll call vote was as follows:

Mayor Chau-absent

Mr. Leeds-absent

Mr. Massari-yes

Chief Newman-yes

Mr. Notaro-yes

Councilman Perri-yes

Mr. Reardon-absent  
Mr. Roegiers-yes  
Mr. Rowe-yes  
Mr. Scharff-absent  
Mr. Shippen-yes  
Mr. Vain-yes  
Dr. Levitt-yes  
The motion carries.

The second application was for Naman Rafi, a Galloway resident, who has signed a lease with Frank Rha & RMR, LLC to operate a retail tobacco store in Unit#6 in the Terra Mar Shopping Center, Block 42, Lot 30, at 900 Tilton Road. The attorney for the applicant was Nicholas F. Talvacchia, Esq. with Cooper Levenson of Atlantic City and also present was Jon Barnhart, licensed Engineer and Planner, also of Atlantic City. Mr. Talvacchia said he believes there to be a scrivener's error in the Ordinance. He didn't think the Terra Mar Plaza is a wholesale distribution type of area. He said the interpretation concerns whether it was the intent to not include retail tobacco in this zone. The Zoning Officer could not interpret this but the Board can. He noted that they did provide notice that they would pursue a "D" variance if needed, but it is their hope that they will not have to request the "D" variance which would include the payment of additional fees and escrow.

Mr. Barnhart displayed Exhibit A-1 which is the current zoning map in Northfield. Mr. Barnhart highlighted the site in yellow and described the other retail stores in the strip mall. The unit in question had previously been Talk of the Walk which was a women's clothing boutique, and some of the other stores include Batteries & Bulbs, Hi Tech Hair, and Capri Pizza. The zone is C-B and the zone changes to R-C in the corridor heading out of town. Mr. Talvacchia said the permitted uses in the zone seem to be the opposite of what should be allowed. Mr. Rafi would be allowed to operate a wholesale tobacco operation which would be a more intensive use involving trucks and deliveries whereas a retail store would be less of an intensive use. The R-C zone permits both retail and wholesale stores. Mr. Talvacchia said he feels there is a mistake. The other zone nearby is the N-B zone and is more of a local and walkable zone and this zone permits retail sales of tobacco as well. He thought the words wholesale and retail should be reversed and felt the Board should interpret it as such. There are other retail tobacco stores in the area-Hollywood Smokin', Northfield News and Tobacco, Island Vapes, and Smoker's Haven. The facts are there to interpret that retail tobacco sales should be allowed in this shopping center. Mr. Talvacchia asked for a vote.

Dr. Levitt explained that specific SIC codes were previously used in the Ordinances and were associated with the use of numbers to differentiate. Thomas & Thomas helped to change from the SIC Codes to the current more general codes. Dr. Levitt said he believed there is an error. Dr. Levitt swore in Mr. Rafi and asked if he can affirm that there will be no marijuana sales should it be legalized. Mr. Rafi agreed that there would not be. Mr. Talvacchia said tobacco stores have no advantage of this and marijuana sales will be regulated by the state. Dr. Levitt asked the Board to handle this as an interpretation rather than a use variance for the reasons discussed and due to the financial implications. Mr. Shippen agreed and said it is obvious that there was an error. Mr. Perri asked about the Business Certification and does this include tobacco use items and vape products. Mr. Talvacchia said Mr. Dattalo didn't refer to this in the denial of Business Certification. The denial was strictly due to the wholesale/retail issue. Mr. Shippen and Mr. Stein agreed that vapes are permitted. A use variance wouldn't be needed for those items and that it only affects the tobacco sale as noted in the Ordinance. Mr. Talvacchia said that is the irony here. Dr. Levitt opened the public session and no one wished to speak. The public session was closed.

Mr. Shippen made the motion for an interpretation of the Zoning Ordinance in the C-B zone that retail tobacco sales are an implied use. Mr. Rowe seconded the motion.

The roll call vote was as follows:

Mayor Chau-absent

Mr. Leeds-absent

Mr. Massari-yes

Chief Newman-yes

Mr. Notaro-yes

Councilman Perri-yes

Mr. Reardon-absent

Mr. Roegiers-yes

Mr. Rowe-yes

Mr. Scharff-absent

Mr. Shippen-yes

Mr. Vain-yes

Dr. Levitt-yes

The motion carries.

At this point, Mr. Perri stepped down from the dais since he is not permitted as an elected official to vote on a "D" variance application. Mr. Keith Davis of Nehmad Perillo Davis & Goldstein of Egg Harbor Township represented CCM, Inc., commonly known as Carluccio's Restaurant, and Mr. Carlo Citera, the President of the corporate entity and face of the restaurant. The address is 1200 New Road, Block 108, Lot 1, in the C-B zone and the application is for a "D" variance, "C" variances and a Site Plan Waiver. Mr. Davis stated that improvements were unlawfully constructed and installed without permits as required and there were also variances required. Mr. Davis said they can't undo what has been done, but they are here before the Board in good faith to fix what has been done and to make it right. The variances are minor in nature when considering the restaurant as a whole. Mr. Davis said the 611 sf addition to the site was constructed for the safety and protection of his employees and for additional storage. This also helps keep his employees out of the elements in the cold and bad weather. He did this with the best of intentions. Mr. Davis said Mr. Citera realizes his restaurant is adjacent to a residential area and he wanted to reduce the number of truck delivery trips to the property and to minimize the impact of the restaurant use in the community. Mr. Davis said Mr. Citera is very apologetic for this.

Mr. Davis continued by saying Northfield requires an acre of land for restaurants. In the past, the DOT reduced the size of the lot due to road improvements to the intersection. The restaurant exceeds the parking requirements, which is a true measure of intensity. This slight expansion enclosed the area with a separate accessory building for storage. He noted that the property next door, Rita's Water Ice is really the only property impacted by the addition and they have no objections. The owner believes them to be a good neighbor and has no objections. Mr. Davis added that Carlo and his wife Tina gave up their Atlantic City business to come to Northfield and they have been very successful. They also have been a tremendous benefit to the community and the improved aesthetics and landscaping have greatly improved the site.

Mr. Davis brought up Mr. Citera and he was sworn in. Mr. Davis questioned Mr. Citera. He said the restaurant was established in 2012 and the addition is in the back of the store. Before the addition was in place, there was a 6 ft. high fence. They enclosed the roof and installed a second structure for storage. Mr. Citera then received a notice of violation from the Zoning Official. Mr. Citera stated that he

did these improvements due to the increase in his business. They used to have deliveries four to five times a week and he was trying to reduce this for the welfare of the neighborhood. He created the roof for the delivery drivers and for his employees. He added that he has been in Northfield for 7 years and is an active participant in the community.

Mr. Citera addressed the Board and read from his notes. He came from Italy in 1992 with his wife Tina and opened a pizzeria in Atlantic City in the Ocean One Mall and then expanded the business with locations at Trump Marina and the Boardwalk. In 2010, Mr. Citera lost his uncle who was also his business partner. He then opened Carluccio's in Northfield in March 2012. It was a vacant restaurant at the time. He joined with another chef and invested most of his savings into the coal fire pizza restaurant. He landscaped the property and added new signage and opened the business. He was an instant success and he now employs over 50 people. He delivered pizza lunches to the school, and helped supply neighbors with food, water, and ice in the aftermath of the derecho. During superstorm Sandy when the area lost power, he operated a generator to help. He helped the local Coast Guards during the government shut down, and he supported Northfield Police and National Night Out. He has made countless other donations to local families in need, the Rescue Mission, and the Church. He received national exposure on Diners, Drive-ins and Dives. He has worked with Father Anthony in 2017 with food items in support of local families. He is a hands-on owner. This is why he doesn't want to move or open a second restaurant. He has made many friends. Everything he does is from his heart and sometimes he doesn't use his head. He apologized for any wrongdoing and he wants the chance to right his wrong. The restaurant is his pride and joy and he thanks the community for their support.

Dr. Levitt commended him for being a good citizen and a good neighbor and he is an American success story and he should be proud. This is a hearing for the zoning issues and he has been sworn to focus on the zoning issues themselves. Dr. Levitt asked about the roof. Mr. Citera said it was constructed when purchased by Nico's Construction and he did not get a permit for this. Mr. Citera testified that he also owns the property across the street and the delivery vans are parked there. He said he constructed the enclosure for the safety of the delivery drivers and to keep them out of the weather. He also uses the area to store pizza boxes and paper goods.

Mr. Davis called William McManus of Duffy, Dolcy, McManus and Roesch of Galloway and he is a licensed Planner and Engineer hired to prepare the application and exhibit boards. He displayed Exhibit A-1 which is the cover sheet for the plans and he described the site as an irregularly shaped property on the intersection of Tilton Road, Davis Avenue, and Route 9 in the C-B zone. He displayed Exhibit A-2 which showed the survey and "D" variance plan. At this point Mr. Stein noticed that Mayor Chau was still seated at the dais and instructed him not to participate or to sit at the dais since he cannot vote on a "D" variance. Mr. Davis agreed and asked him to leave the dais as he could be an influence. Mr. McManus continued by saying the property has lot size issues, it is triangularly shaped, has multiple road frontages, and parking on three sides. It is a block style building measuring 1500 sf. The addition, which is the focus here, is 611 sf at the rear of the property next to Rita's Water Ice and contains additional storage and a walk-in freezer next to the trash enclosure. Mr. McManus distributed photographs from 1999 showing the previous Dunkin' Donuts store. They were planning to come before the Planning Board to improve the site, but they decided to vacate instead. He described the photos which showed the parking lot in disrepair, landscaping that needed to be improved, and a building in need of rehabilitation. There were dumpsters in the parking lot and outdoor storage against the building including storage racks and milk crates. Exhibit A-4 showed photographs of the site from 2012 and 2019. There is now a fence in back of the building, the roof line has improved and gives more of a visual impact. The fence is a 6 ft. high vinyl fence with a canopy roof and in 2012 there was no feedback from

neighbors or the City and the owner assumed everything was fine. In viewing the 2019 photos, they showed the canopy roof which has been in place since 2012 and the gate and fence is now a solid wall and a door and there is an enclosure with the roof attaching to the walls. Dr. Levitt asked how the roof drains. Mr. McManus said it drain on Carluccio's property. Dr. Levitt said he has photos showing something different with the water flowing on the adjacent property. Mr. Stein said the Board is obligated to let the applicant know what they have found. Mr. Davis said he has not had a chance to review the photos and their application has been on file for public notice for 10 days as required. Mr. Stein said Dr. Levitt is not an adversary and that members of the public can bring photos that the Board has not seen previously as well. Mr. Shippen asked where the pitch of the roof goes-is it towards Rita's or Carluccio's? Mr. McManus said it is a flat roof. Mr. Shippen asked if the roof drains on the adjacent property and Mr. McManus said no, it does not. Dr. Levitt said to look at the photos. Mr. McManus noted that some water may head toward Rita's. He suggested they put a gutter on the roof. Mr. McManus said the photos would not change his testimony except possibly photo B-1. Mr. Davis told Mr. McManus to share the photos with the Board. Mr. McManus said that his photo 9 shows the building with the flat roof that is in question with Dr. Levitt's B-1 photo.

Mr. McManus discussed the "D" Variance. He said in the CB zone, restaurant use is permitted if the site agrees with certain parameters and conditions. He said D1 variances are strictly use variances, D2 variances are an expansion of a non-conforming use, and D3 variances are deviations from the standard that solely pertains to the use, such as a restaurant use in this case, and that this is a D3 variance. One of the standards is that the use needs to be at least 25 ft. from the residential zone. Rita's Water Ice is behind the restaurant and there is no buffer problem and they meet the first standard. The second standard is that the use cannot cover more than 20% of lot area. Carluccio's covers 18.4 % so they meet the second standard as well. The third standard is two-faceted and they need to have one acre of land and be 200 ft. in width. They cannot meet that standard and they will require the D3 variance for that reason. Mr. McManus went on to discuss the Coventry case in relation to the D3. The Board is not supposed to focus on the use but must focus on the deviation and whether or not it is suitable for this lot. It has been a restaurant since the 1980's at least without substantial detriment. This warrants relief from the D3. Carluccio's meets the parking standard and exceeds it with 23 parking spaces on site. Mr. Doran noted that there are 18 compliance spaces on site. The other 5 are on Davis Avenue; people use the spaces, but they are not compliant. Dr. Levitt said they lost another space by putting up a No parking sign in front of the addition. Mr. Davis said there are 4 more parking spaces than required under the Ordinance. He added that there is no additional increase in impervious coverage. It is not less safe with the addition and the Fire Department had no issues. Even if the Rita's site was for sale and they were able to acquire the additional land, it wouldn't give them an acre and it would not be practical or feasible. The Board needs to consider this application for a D3 variance.

Mr. McManus addressed the "C" or bulk variances which include a side yard setback which is .54 ft. where 15 ft. is required and a front setback on Davis Avenue which is 13.3 ft. and 50 ft. is required. He said this is the C2 variances they are requesting. He noted that the site is narrow and irregularly shaped and the restaurant is constrained by road frontages. They have parking on three sides and they don't want to eliminate any of that. As to the C2 variance purposes, they feel this is the best location for the addition. It allows for free flow of traffic. The primary reason for the enclosed addition was for storage, to reduce deliveries, reduce traffic on Davis Avenue, improve the free flow of traffic, and advance aesthetic purposes from what was previously there. Mr. McManus addressed negative criteria and any detriment to the public good and said Rita's is the most affected. Enclosing the property with the addition is a benefit to the neighborhood and he said the addition is not a substantial detriment or a detriment to the zone plan.

With regards to any fire safety issues, Mr. Davis said Mr. Citera would have to obtain the required permits from the Construction Department and Atlantic County. Dr. Levitt said he has had extensive conversations with the Fire Department. They only address issues that would affect fighting a fire at the site. There is no access from the back and they would have to go through the front door to fight a fire. He added that he spoke with Leon Delcher, the city's Fire Official, and they discussed fire rated walls and the refrigeration equipment, plumbing, and electric, must be completed by a certified installer and they must show that it was installed commercially. Mr. Davis said these are construction code issues, not zoning issues. Mr. Doran stated that he is the Construction Official and he backed up everything Dr. Levitt said. The applicant will need a fire-rated wall and will have to prove that everything has been commercially constructed. Dr. Levitt said the Board's charge is the safety of the public and to uphold the integrity of the Zoning Ordinance. Mr. Davis said that zoning is the Board's job and construction code is another issue. Dr. Levitt said it is within our purview to review and ask questions. Mr. Davis said they will make it a condition of approval that all Uniform Construction issues will be met.

Dr. Levitt asked about the stacked wood against the building. Mr. Citera said the wood is for starting up the coal in the morning for the coal fire oven. Exhibit A-3 was discussed and Dr. Levitt said the creation of light, air, and open space is one of the objectives of zoning and he asked how they reconcile this with the new construction. Mr. McManus said this is why there is a need for setback restrictions. It is also important to be aware of how the business affects the surrounding neighborhood. He said that the new construction doesn't affect the adjacent neighbor at all. It is a commercial building with no windows on that side and is not an impediment to air flow. Dr. Levitt said the Board also has to think about future owners of the Rita's building. Mr. Shippen asked if the ground under the roof is paved. Mr. McManus said it paved and has always been an impervious surface and this pavement runs to the curb line. Mr. Stein said the testimony was a bit interrupted, which is what the Board does when questioning applicants, and he wanted to make sure they had the opportunity to cover any negatives. Mr. Davis said there are no negatives with this project.

Mr. Doran said the applicant covered everything in his report. He agreed with Dr. Levitt about the water flowing onto the neighboring property as it is on a downslope. He recommended the installment of a gutter. Dr. Levitt commented that if you were to stand in line at Rita's, the problem is visible. Mr. Davis said Mr. Citera wanted to install the gutter before the hearing, but Mr. Davis advised him that he should wait. Mr. Stein noted that he agrees with Mr. Doran that the variance is a D2 and that the noticing covered this. The Board agreed it is a D2 since it is an expansion of use. There is not a dramatic difference from the D1 variance which is an enhanced burden of which this application is not. Mr. Stein and Mr. Davis discussed the "D" variance type further and noted the level of proof is essentially the same. Mr. Davis said he referred to the D2 and D3 to cover the bases, and agrees it is a conditional use or D3 variance. He noted it is not a non-conforming use or structure and it is permitted and lawfully existing.

Dr. Levitt opened the public session and asked that those who wish to speak limit their opinions to three to four minutes since so many were in attendance. Mr. Stein swore them in before speaking.

Jerome DiPentino, the owner of the Rita's Water Ice Building, residing at 2401 Atlantic Avenue in Longport stated he supports the application.

Herman Zell, a business owner in the Bandi Building at 1202 Tilton Road, said he has no objection and that Mr. Citera is a fantastic neighbor. He does his best to keep traffic down and his grandchildren love the pizza and meatballs.

Father Anthony Manuppella, the Pastor at St. Gianna Beretta Molla Parish at 1421 New Road in Northfield, said Carlo is the American success story. He is a legal immigrant from Italy and he is an important part of the backbone of small businesses in Northfield. He is a pillar of the community and has helped St. Gianna's considerably. He sets a great example for people who are starting a small business and he shows how to be successful at it. This application should be granted for all he has done and all he is doing for the community and others. He may not have gotten his permits, and he knows he has done wrong, but he will rectify that. He fully supported the application.

Patrick Taber, the delivery manager at Carluccio's for the past three years, who resides at 644 Shore Road in Absecon, spoke next. He said delivery was difficult when raining and in bad weather. The new structure helps them with everyday business. They have extremely busy lunches and it was difficult to continually run across the street for product and pizza boxes that were stored in the basement across the street. They make 300 to 400 boxes per day. The old structure used to leak and allow leaves and debris to come into the storage area. The new structure protects the delivery drivers and helps with organization. They are a busy business with a small area of operation and they are able to put out a tremendous amount of food. The new, but small improvement has been a huge relief to the operation of the business.

Michael Burns, owner of the Bandi Building at 1202 Tilton Road, said Carlo has done many things to improve the neighborhood. He invested across the street to improve the business. He noted that his kids are the grandchildren Mr. Zell mentioned and he thinks the Board should approve the application.

Alisa Cooper of 201 Cambridge Avenue in Linwood thanked the Board for the opportunity to speak. She noted that Mr. Citera's wife Tina needs recognition. When they came to Northfield, she visited the restaurant and was greeted warmly with a hug. She said Carluccio's is special and she has gotten to know them. What Carlo mentioned is true and she recognizes the importance of zoning. She supports Carlo and his wife and they are very charitable people. They will correct the wrongs. She said both life and business is fragile and we need to provide support.

Edmund Yard of 6528 S. 4<sup>th</sup> Avenue in Galloway described an event that occurred five years ago. He said he has probably known Carlos longer than anyone who has spoken. He was a Sgt. with the Atlantic City Police Department when Carlo opened the Ocean One pizza store. He is part of a charity organization of Police, Fire, and EMTs and Carlo approached him and asked if he knew anyone who needed meals for Thanksgiving and Christmas. Mr. Yard presented him with 28 names and he delivered meals to them. His charitable ways have continued to grow. Northfield wants to keep this kind of business owner.

Lauray Hogg of 13 Argo Lane in Northfield said she has been a resident of Northfield for over 40 years. She said she is pleased to be at the meeting tonight to recognize the virtues of respect and pride that Mr. Citera demonstrates. She showed a poster of support for Carluccio's and she said the corner of Tilton Road and Davis Avenue has come a long way due to Mr. Citera's efforts and the respect he has for the City of Northfield. She hoped that the Board in their wisdom would find a way to help this man to continue doing what he does.

Matthew Carney of 407 Davis Avenue in Northfield said he has worked with architects and believes that the improvements were a good idea for the business and he said there has been a reduction in noise which is appreciated in the neighborhood.



Tom Evans of 400 Davis Avenue in Northfield said that Carlo is a stand-up guy. Carlo has been there for the neighborhood. He used his own generator to power the street during the derecho and never asked anyone for anything. If he had a complaint with Rita's for trash or Carluccio's for hood grease after a clean-up, both businesses were amenable to cleaning up the problem. He said they are both good neighbors and he asked the Board to allow him to right the ship.

Freeholder Ernest D. Coursey of Atlantic City stated that he came to the meeting tonight because Mr. Citera has done so much for others. When he had his shop in Ocean One, the service was wonderful. He should be forgiven for what he has done for it was not intentional. Mr. Citera recognizes this and wants to correct it. The support of the community tells it all. Every one of the public present is supporting him and what he does for the community. He is a man of his word. He supports the little people and has never forgotten where he comes from. He is a friend. He asked the Board to let him move forward from his mistakes.

Joe Marincsin who owns Swan Cleaners at 1411 New Road said he enjoyed hearing the testimony. It is a rarity to hear an applicant fess up when a mistake is made. Mr. Marincsin said he has over ten years of experience with the Atlantic County Construction Board of Appeals and has dealt with homeowners to owners of mega structures and he has never seen someone so willing to correct mistakes at any expense and he complimented Mr. Citera for the type of individual he is in the community which was exemplified by all the community support here tonight. He said hats off to him for continued success.

Paul Feriozzi of 13 Lesley Lane has lived in Northfield for 28 years. He said he has known Carlo for ten years and had a similar small business on Tilton Road for nine years and they spoke often about comparable problems. He now represents Cisco Foods with 4,000 customers in Pennsylvania and New Jersey. He is also a major supplier for Carluccio's. He said there is nothing like Carluccio's. Their success in comparison to square footage and the amount of volume of product and with the number of employees that he has is unsurpassed. It was always his intention to reduce the number of deliveries. The delivery trucks are large. The deliveries are well managed now and have been reduced from five days a week to two. They are timing them so as not to disturb the neighbors. Mr. Feriozzi was in full support of the application and hopes the Board will approve it.

Jack Davis of 425 Davis Avenue said he probably lives the closest to Carluccio's than anyone else present. He commented that Mr. Citera helped during the derecho. Councilman O'Neil asked him if he needed ice and he later found out that it was Mr. Citera who had donated it. There used to be parking problems and now if he tells Carlo about it and the car is moved immediately. Mr. Davis said he had a heart attack a year ago, and when he came home, within an hour, there was a fruit basket delivered to his home. He asked the Board to consider these things in their decision.

Ben Mazzeo of 135 Bonnie Lee Drive said that Carlo is a good man and a good businessman. He has improved the property and the restaurant looks great. He asked the Board to give him a chance and he will do right.

There was no one else who wished to speak and Dr. Levitt closed the public session.

Mr. Davis made a closing statement. He has never seen so much overwhelming support, especially from neighbors so closely impacted. It all speaks for itself; his character and generosity, how he runs his business, and his commitment to the community. He was very contrite and apologetic and he doesn't want to be a problem to the city. He wants to be a good, corporate citizen. They will install the gutter,

complete the fire safety inspections, and will do everything necessary as it should have been done in the beginning. This application requires five affirmative votes for approval. No member of the public has registered anything negative. They are all in favor of him and what he has done. Mr. Davis felt they have met their burden.

Dr. Levitt said he has never had this kind of public character response before him and he said Mr. Citera is to be commended for the citizen that you are. The Board has never approved a building constructed on a property setback line. His job is to support the zoning ordinance and he is sworn to uphold the integrity of the zoning ordinance.

Mr. Stein informed the secretary to call only 7 voters including alternates if needed and not to call the 8 voters present. This is due to the application being a "D" variance. Mr. Davis agreed. He informed the Board that they must not grant the variance because the construction is after the fact and they don't want the applicant to have to remove their structure. Also they cannot punish the applicant for having not drawn the proper permits. Both these issues need to be set aside as if they never happened. The vote needs to be cast as if the applicant had not made a mistake and as if the mistakes hadn't happened. Vote on the application only and whether positives and negatives were proven. It was agreed that the application is for a "D" variance to expand setbacks. Dr. Levitt added that there is a condition that all water will be contained onsite and there will be no further runoff of water from the roof to the neighboring property. Dr. Levitt said another condition is that there will be a complete fire safety review. Mr. Doran said the Building Department will certify everything after inspections are complete. Mr. Citera will need to come before the Building Department for all permits and inspections and this is another form of enforcement. Mr. Stein said there will be construction permit review by all sub-officials as though the project is in the beginning stages.

Mr. Shippen made the motion for the "D" variance and Mr. Roegiers seconded the motion.

The roll call vote was as follows:

Mayor Chau-left meeting at 7:38 p.m.; no vote as elected official

Mr. Leeds-absent

Mr. Massari-no vote as voter #8

Chief Newman-yes

Mr. Notaro-yes

Councilman Perri-left meeting at 7:31 p.m.; no vote as elected official

Mr. Reardon-absent

Mr. Roegiers-yes

Mr. Rowe-yes

Mr. Scharff-absent

Mr. Shippen-yes

Mr. Vain-yes

Dr. Levitt-no; he added that this was the most difficult vote in 41 years and he cast a symbolic no vote. He stated that you have your approvals, and he congratulated Mr. Citera for the person he is, for what he has done for Northfield, and for the success of his business. He said he has sworn an oath and we can't encourage this kind of abuse of the Zoning Ordinance. Zoning is a serious business. It protects our visual environment, promotes fire safety and light, air and open space, and good drainage. This is the purpose of the Board. People can't just do whatever they want and face the consequences later. He wished Mr. Citera good luck with the project going forward.

The motion carries.

The second vote was for "C" variances and site plan waiver. Mr. Shippen made the motion and Mr. Roegiers seconded the motion.

The roll call vote was as follows:

Mayor Chau-left meeting at 7:38 p.m.; no vote as elected official

Mr. Leeds-absent

Mr. Massari-no vote as voter #8

Chief Newman-yes

Mr. Notaro-yes

Councilman Perri-left meeting at 7:31 p.m.; no vote as elected official

Mr. Reardon-absent

Mr. Roegiers-yes

Mr. Rowe-yes

Mr. Scharff-absent

Mr. Shippen-yes

Mr. Vain-yes

Dr. Levitt-no

The motion carries.

Dr. Levitt closed the meeting at 9:28 p.m. with a motion from Mr. Rowe and a second from Mr. Shippen.

Respectfully submitted,

Robin Atlas, Secretary to the Board