

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

Minutes: October 3, 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, October 3, 2019 in Council Chambers, City Hall, Northfield, was opened by Chairman Richard Levitt at 7:03 p.m. with the reading of the Sunshine Law and the following members present or absent as noted:

Mayor Erland Chau-present for 2nd application

Jim Leeds-absent

Dr. Richard Levitt

Joe Massari-absent

Chief Paul Newman

Henry Notaro-absent

Councilman Frank Perri-absent

Daniel Reardon

Ron Roegiers-absent

Derek Rowe

Clem Scharff

Jim Shippen-absent

Steve Vain

Matthew Doran, PE, PP-Planning Board Engineer

Mark H. Stein, Esq.-Planning Board Solicitor

There were two applications on the agenda. Dr. Levitt recused himself from the first application and Vice Chairman Mr. Scharff took the chair. Mr. Stein swore in Mr. Doran and David and Maxine Fahringer. The application was for a "C" Variance to construct a 6 ft. fence at 100 Haviv Drive, Block 2 Lot 1.01 in the R-1A zone. Mrs. Fahringer addressed the Board and stated that they want to enclose a large portion of the property with a 6 ft. fence and she discussed the reasons for it. There are neighborhood children that run onto their property and they were causing her dog to react adversely. The dog would become very hyper and uncontrollable on a leash and they sadly had to return the dog to the breeder. Mrs. Fahringer said she had the dog for two years and it put her over the top and she knew she had to do something. The kids were also invading their privacy and this is another reason for the fence. She would like to get another dog and the breeder is insisting on the fence. The fence will also deter the teenagers from trespassing on their property. They will need a 6 ft. enclosed fence for the dog, the fence will give them privacy, and eventually they may decide to install a pool.

Mr. Scharff asked Mr. Doran about his report and whether there was enough information to deem the application complete. Mr. Scharff noted that there is not a certified plan by an engineer, but what they submitted is understandable. Mr. Stein suggested the applicant sign a certification that there have been no changes to the property lines since the survey is not recent. The secretary showed Mr. Stein a signed certification from the applicant and the Board was satisfied. Mr. Doran said there is a corner in front of the house that needs the variance on Glenwood Drive and three sides of the fence need the variance. The rest of the fence complies. Mr. Doran said it appears they will place the fence 3 ft. behind the sidewalk. The Ordinance states that a variance is necessary since the height of the fence is 6 ft. and is within 25 ft. of the property line. Mrs. Fahringer added that she knows that people have installed 3 ft. and 4 ft. high fences and then have planted 30 ft. shrubs behind the fences for buffering and privacy.

Mr. Scharff opened the public session and there was no one who wished to speak for the application. He closed the public session.

There was more discussion. Mr. Perri asked if they intended to add any trees or shrubs. Mrs. Fahringer said they had to pull out a Weeping Willow tree since the kids were climbing on it and a few other trees were pulling up the sidewalk and had to be removed. They do intend to make the property look nice. Mr. Stein asked about the photos of the fence they presented to the Board. Mrs. Fahringer said they indicate possible colors for the fence and they may choose to change the design of the top of the fence.

Mr. Rowe made the motion for the "C" variance to construct a 6 ft. fence in the front yard on Glenwood Avenue. Mr. Perri seconded the motion. It was noted that Mayor Chau was present at the meeting at 7:28 p.m. but did not hear the testimony for this application.

The roll call vote was as follows:

Mayor Chau-no vote; not present for testimony

Mr. Leeds-absent

Mr. Massari-absent

Chief Newman-yes

Mr. Notaro-absent

Councilman Perri-yes

Mr. Reardon-yes

Mr. Roegiers-absent

Mr. Rowe-yes

Mr. Scharff-yes

Mr. Shippen-absent

Mr. Vain-yes

Chairman Levitt-recused

The motion carries.

Dr. Levitt resumed the chair and Mr. Rowe recused himself from the 2nd application. The applicants were Richard Bartholomew and Eustace Eggie, Jr. for the property at 2004 Wabash Avenue, Block 86 Lots 2 & 3 for a minor subdivision with "C" variances in the R-1 zone. The attorney for this application was Elias T. Manos. Richard Bartholomew, Eustace Eggie, Jr., and Engineer/Planner Joseph Maffei were sworn in. Mr. Manos said Eustace Eggie, the applicant's father, is in his late 80's and lives in the house. Mr. Eggie, Jr. has power of attorney. His mother, Joan, passed away in 2008. Mr. Manos explained that according to the Ordinance, lots that are undersized and owned by the same parties, cannot be sold individually without minor subdivision and variance approval. Dr. Levitt added that the subdivision would make the title more clear when sold. This was in agreement with the Loechner case.

Mr. Eggie, Jr. testified that the lots were acquired separately. Lot 3 was purchased in 1959 and Lot 2 in 1962. Lot 3 has remained vacant. When his mother passed away, he inherited the two contiguous lots and they continue to be taxed separately. Mr. Manos questioned Mr. Eggie, Jr. about the variances necessary. Lot 3 will need a variance for lot width in that 100 ft. is required and this lot is proposed to be 80 ft. Proposed Lot 2 will require a side setback where 10 ft. is required and 4.5 ft. is proposed. It was noted that this would impact the Eggie house the most and they are present in support of the application.

Dr. Levitt swore in Michael Portnoy, Rick Bartholomew, and Joseph Maffei. Joseph H. Maffei, Professional Engineer and Planner, listed his qualifications and was accepted by the Board. The following Exhibit List was presented to the Board for this application:

- A-1 Subdivision plan submitted with application
- A-2 Northfield Tax map-aerial view
- A-3 Photographs of subject property
- A-4 1962 Deed for Lot 2
- A-5 1959 Deed for Lot 3
- A-6 Tax Record Lot 2
- A-7 Tax Record Lot 3

Mayor Chau was present at the meeting at 7:28 p.m. and Mr. Manos had no issue with him missing 5 minutes of early testimony.

Mr. Maffei described the subdivision. He referred to Exhibit A-2 which showed the surrounding houses and 47% of them have less than 100 ft. of frontage and five of them are less than 80 ft. Mr. Maffei felt that Lot 3, which would have 80 ft. of frontage, would fit into the neighborhood scheme and would not be a detriment. Lot 2 would be nonconforming as a result of the subdivision. The side yard setbacks would be 40.5 ft. which is much greater than the 10 ft. required, and 4.5 ft. which would require a variance. This side would be adjacent to Lot 2. The applicant agreed to a restriction on Lot 3 to a minimum side yard setback of 15 ft. on the side adjacent to proposed Lot 2. They are also seeking a rear yard setback for the accessory structure which is required to be at 10 ft., and 8.7 ft. exists and is proposed. Also, the permitted height of the accessory structure is a maximum of 12 ft., but 13.1 ft. is existing. It was noted that these variances are de minimis in nature.

Mr. Maffei discussed positive and negative criteria. There is adequate light, air, and open space and this is an appropriate location for the lot sizes. They found no negative criteria or detriment to the public good. The lots are consistent with the neighborhood. The accessory structure is an existing condition and there is no substantial detriment to the Zoning Ordinance. Mr. Manos said Mr. Maffei reviewed Mr. Doran's Engineer's report. The existing Lot 2, the lot with the home, presently has curbs and sidewalks. Lot 3 does not, but they will provide them as well as concrete aprons. With regard to specimen trees, Mr. Maffei asked for a waiver. Dr. Levitt mentioned that there are three of the largest Oak trees in Northfield on the property and they appear to be in the building envelope. Mr. Portnoy spoke up and said they will be building a spec house on the vacant not and it will not be a giant house. They will leave as many trees as they can. The house will be set where it looks best and they will only remove trees if they are in the building envelope. Dr. Levitt asked Mr. Eggie if the Oaks on his lot will be maintained and if the lot with the house is to remain as it is now. Mr. Eggie assured the Board that a lot of the trees will remain. Dr. Levitt asked about proposed drainage. Mr. Maffei said there will be a grading plan as part of

the new construction process. The applicant, through their attorney and engineer, as well as Mr. Portnoy, agreed to comply with all of Mr. Doran's recommendations and agreed they would maintain a 15 foot side yard setback on Lot 3, on the side adjacent to Lot 2.

Mr. Eggie addressed the Board and said his father is 88 years old and requires a live-in caretaker 24 hours a day, 7 days a week. That is the reason they are looking to sell the vacant property. They need the money to pay for the caretaker. His parents bought the property from his grandfather. Mr. Eggie added that he sat on the Hamilton Township Planning Board at one time and was the Chairman as well. He grew up in the house on Wabash Avenue, then bought a home at 11 W. Mill Road before selling it in 1984, and then moved to Mays Landing. His father served as a Northfield Volunteer Fireman and served for 50 years and was honored by City Council for his service. He now has dementia and his health is failing. His Dad's wish is to stay in the house. His sister Kim offered to have him live with her and so has Mr. Eggie, Jr. Their father refused and will not leave the home. A hardship exists and they need to sell the lot. Their father is down to having funds for only one more year. This is the sole purpose for selling the lot so that Mr. Eggie can remain in the house.

Dr. Levitt opened the public session, but there was no one who wanted to add anything. Dr. Levitt closed the public session.

Mr. Manos added that if his clients had known the Loechner merger would happen, they would have been more creative with the property in the past. Mr. Stein asked if they would be filing the minor subdivision by deed or map. Mr. Manos said they would be filing by map. A discussion developed and Mr. Stein said if they file by map, it must reflect the 15 ft. setback, and if filing by deed, they need to put in a restriction. Dr. Levitt added that the motion will include curbs, sidewalks, the concrete apron, two off street parking spaces, and they would maintain all of the trees outside of the footprint of the new structure as long as they would not cause a hazard, such as with roots, etc.

Mr. Scharff made the motion for the minor subdivision approval with variances as discussed.

Councilman Perri seconded the motion.

The roll call vote was as follows:

Mayor Chau-yes

Mr. Leeds-absent

Mr. Massari-absent

Chief Newman-yes

Mr. Notaro-absent

Councilman Perri-yes

Mr. Reardon-yes

Mr. Roegiers-absent

Mr. Rowe-recused

Mr. Scharff-yes

Mr. Shippen-absent

Mr. Vain-yes

Chairman Levitt-yes

The motion carries.

Mayor Chau and Councilman Perri spoke highly of Mr. Eggie and of his many years of service to the City and also spoke highly of his wife Joan.

There was one resolution to memorialize for Frank John Rich, Block 2 Lot 4, at 6 Cara Court for "C" Variance relief to permit the applicant to construct a fence, pool, and pool house in the front yard setback. Abstentions for the vote were Mayor Chau, Mr. Massari, Councilman Perri, Mr. Reardon, Mr. Shippen, and Mr. Vain. The voice vote was all in favor of memorialization.

The meeting was closed by Dr. Levitt at 7:53 p.m. with a motion from Mr. Perri and a second from Mr. Rowe.

Respectfully submitted,

Robin Atlas, Secretary to the Board

The day following the meeting, October 4, 2019, after printing the log notes of the meeting, it was determined that the recording equipment had not functioned properly and that the recording had failed and the backup recording on the hard drive contained only a humming noise. There is no existing audio record of these proceedings.