

City of Northfield Planning Board
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June 4, 2020

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. Digital copies of the application documents, exhibits, and the Planning Board Engineer's report have been uploaded onto the City website as well.

This **REGULAR** meeting of the Northfield Planning Board was held on Thursday, June 4, 2020 in Council Chambers, City Hall, Northfield, and on Zoom Meeting and was opened by Chairman Richard Levitt at 7:08 p.m. with the reading of the Sunshine Law and the roll call with the following members present or absent as noted:

Peter Brophy
Mayor Erland Chau-absent (recused)
Jim Leeds
Dr. Richard Levitt
Chief Paul Newman
Henry Notaro
Dan Reardon
Ron Roegiers
Derek Rowe-absent
Clem Scharff
Jim Shippen
Councilman Paul Utts
Steve Vain-absent

Joel M. Fleishman, Esq.-Planning Board Solicitor
Matthew Doran, PE, PP-Planning Board Engineer

Dr. Levitt read a statement about the Governor's Executive Order limiting public gatherings. Virtual attendance has been made possible through Zoom. He gave general directions for the web-browser participants and public commenting during the public session.

The application presented this evening was from ACCC Properties, LLC, Block 175, Lot 48, 900 Shore Road in the CC zone. The attorney representing the Country Club was Eric Goldstein, Esq. of Nehmad Perillo Davis & Goldstein of Egg Harbor Township. The application is for Preliminary and Final Major Site Plan, canopy solar panels for height, and parking lot revisions. Mr. Goldstein thanked the secretary for organizing the application and for getting everything online.

Dr. Levitt swore in the Engineer and Country Club representatives. Sworn in were Steve Filippone of EDA, a licensed engineer in the state of New Jersey who has appeared before over 100 municipalities in NJ, and is familiar with MLUL and Nick Borro and Karl Senseman, representatives from ACCC.

Mr. Goldstein stated that Ottinger Golf have taken over the Country Club and have tried to make improvements and make the site as nice as possible. The parking lot is not the place to be in the rain and it becomes very muddy to walk through. The canopy solar panels are an inherent beneficial use and will allow the Country Club to cut back on their carbon footprint.

Digital copies of the application documents and exhibits including Matt Doran's report were displayed on the city website. Mr. Fleishman and Mr. Filippone clarified the exhibits for the record. They are as follows:

A-1 The application

A-2 ACCC Site Plan-8 pages

A-3 Stormwater Management Plan

A-4 ACCC Panel Exhibit

A-5 Color rendering of Site Plan

Mr. Fleishman labeled Mr. Doran's report B-1 since it was a Board exhibit.

Mr. Filippone described the site plan. He stated that he is very familiar with ACCC and plays golf there. He said it is confusing as to where to go when you first drive in. The parking is not well laid out and is disorganized. Drainage is almost non-existent and many cars have to park on the grass. The lighting is unsafe. The task given by the owner was to bring these areas up to the standard level that has already been done with the clubhouse. When entering the property from the drive aisle, they want the view to focus on the historic bell and the porte cochere entryway. The plan is to add improved antique lighting and they have four aesthetically pleasing styles they intend to use. They will add landscaping for color and texture at the entrance and on the drive aisles. They will be happy to add more landscaping as requested in Mr. Doran's report.

Mr. Filippone discussed the canopies and solar panels. He said they will be decorative and unlike the industrial looking panels constructed at Canal's and Seaview Harbor on the Longport Causeway. He referred to Exhibit A-4. He said the foundation of the canopy will be wrapped in brick and at the top, the brick will have a bluestone cap. There will not be an exposed metal look. The column will be Azak wrapped metal and it will be decorative. The lights will have a late 1800's theme to go along with the history of the club. Mr. Filippone discussed the height of the solar panels. They will be on a tilt or angle with the low end being 15 ft. and the high end at 19 ft. The maximum required height is 15 ft. Anyone entering the property will have a view of the entrance and the clubhouse which the Ottinger's are proud of and light and open space will be created. Mr. Brophy commented that the cover letter stated a height of 16 ft. Dr. Levitt asked what was advertised. Mr. Goldstein said they dropped the low side by a foot and this raised the high side. Mr. Goldstein said they did not advertise for a specific height number.

Mr. Goldstein asked Mr. Filippone to walk though the site plan and qualify the application under Northfield and New Jersey Land Use Law. Mr. Filippone said there are currently 106 parking stalls on site and they want to add 49 stalls for a total of 155. The Ordinance requires 142 stalls so they are slightly over the requirement. During heavy rain, the site experiences ponding, there is little drainage, and guests are parking on the grass. They intend to create an asphalt grade with water draining towards the driving range area. There was no need to create a storm water basin. Mr. Filippone said it was easy to do the modifications on this property.

Mr. Goldstein asked Mr. Filippone to explain why they want to do this project. Mr. Filippone said they want to increase the façade of the club from the street, there is an inherent benefit of the solar panels, they want to stop flooding during rainy weather, and increase the parking. Dr. Levitt noted concerning the draining that water appears to drain toward the bay. He mentioned that Mr. Doran noted in his report that they may need a swale. Mr. Filippone said he talked to Mr. Doran when his report was complete and they may need a slight berm where the water terminates and he is aggregable to Mr. Doran's drainage recommendations. Mr. Goldstein added that the applicant has no issues with any of the notes in Mr. Doran's report and accept it as written. Mr. Filippone said they will install architectural lights with a feel of the late 1800's. Currently the lighting is not safe; it is inadequate and underlit. They will install four types of lights and will provide a safely lit parking area for the customers of the Country Club. Mr. Goldstein gave a conclusion of the benefits including additional parking, better lighting, a safer parking area, better drainage, and the benefits of solar energy.

Mr. Goldstein introduced Nick Borro to testify on behalf of Atlantic City Country Club and to explain what they are looking to do. Mr. Fleishman asked for an indication of his position with the club. Mr. Borro stated he is the general manager of the club. He said Mr. Ottinger wants to increase the parking lot for golf events, restaurant dining, weddings, and parties. It is often necessary for patrons to park on the grassy areas and this can cause problems. In the rain the areas are muddy and dangerous and slippery conditions exist. The lighting is also not very good. The added benefit of the solar canopies will also provide a good financial impact for the club which has been closed for three months. The number one goal is to make sure the club looks good. Mr. Ottinger is very proud of the property. Mr. Filippone and his firm have designed a boulevard entranceway that faces the historic bell and porte cochere, added a balanced parking lot, left to right, with beautiful brick columns that match with the columns in the back of the club. They want to host weddings and events and will make sure it looks good.

Mr. Goldstein said he earlier eluded to other solar facilities and said while they accomplish the job to produce solar energy, they don't look great. The solar canopies must blend in with the Country Club and must look great. The goal is to have them blend in with the design and to not create an industrial solar field. Mr. Borro said the solar panels themselves will not be visible and will not block the clubhouse. You will be able to see the clubhouse through them. The high point is at the road side, but faces the building. Mr. Goldstein added the view from the underside will not be silver metal. It will provide a white Azak powdered look. He said it will be like Wawa. When you look up you will see a decorative design.

Mr. Goldstein noted that notwithstanding Covid-19 and the worst social and economic crises we have experienced, Mr. Ottinger wants to go forward with the project. The project planning phase began back in October and November and Mr. Ottinger wants it to move forward even in a financially bad time. Mr. Borro agreed and said Mr. Ottinger is so proud of the facility and is totally invested in this project. He wants the Country Club to be the place everyone wants to go. Mr. Goldstein said he would like to turn it over to the Board for questions and Mr. Doran's report.

Dr. Levitt asked if they were going to discuss other aspects of the project such as widening of the road and signage. Mr. Borro said they are not moving forward with sign and will not be changing any of the signage. They have scraped that from the application.

Dr. Levitt asked about trees and if they would be removing any larger than 12 inches or any along Shore Road. Mr. Borro said there are a few trees close to the parking area, not on the road, but nearer to the clubhouse that will be removed. He is not sure of the exact number. He said he would have that

question answered for the Board. He said they only intend to remove a couple of trees. Dr. Levitt said Mr. Doran raised the question in his report about buffering the houses on the northeast side. Mr. Doran suggested additional trees in that area would be an advantage. Dr. Levitt said trees would help screen the houses from the club. Mr. Borro said they would agree to do anything concerning the landscaping. Dr. Levitt asked if they are removing a few trees, if they would plant a few trees on the side with the homes subject to Mr. Doran's final approval.

Mr. Doran said his concern are the direction of the headlights at night. The headlights will point across Shore Road. Since the parking lot is being reconfigured, it changes the direction of the cars and the headlights will be aimed towards Shore Road. The neighbors across the street might see the headlights shining in a different direction than they currently shine. He proposed shrubbery. The cars will be 300 ft. from the homes, but he felt the Board should discuss this. Mr. Shippen asked if the elevation level from the clubhouse is level, inclined, or declined toward Shore Road. Mr. Doran thought the parking lot was a little lower, but he deferred to Mr. Filippone. While Mr. Filippone was viewing the plan, Mr. Shippen said that if the lot is inclined toward Shore Road, the issue would be exacerbated, as opposed to a decline toward Shore Road. Mr. Filippone said he reviewed the plan and the parking lot will be about two feet higher than the houses on Shore Road in looking at the grading. One area is graded downward as well. Mr. Shippen agreed with his original assumption and suggested low shrubs at about 3 feet. Mr. Filippone agreed 3 ft. shrubs would shield the headlights, but not block the view of the building. Mr. Scharff also agreed that this would work since the lot does slope down toward Shore Road.

Mr. Brophy asked if the installed canopies would block the view of the building. Mr. Scharff said there will be an angled view of several degrees and you will be looking underneath and will see the front door area. Mr. Goldstein added that you will have a view of the front door and the porte-cochere, but when driving past nothing will be in the way and the building will be seen. Mr. Brophy viewed page 4 of the plan and said the straight view down to the clubhouse doesn't come into play until you drive onto the premises. He asked if they could provide an artists rendering using digital software to show how it would appear. Mr. Goldstein said he doesn't have an exhibit from the Shore Road view. Mr. Scharff said the exhibit showing the Bluestone and brick was posted with the exhibits on the City website and is not in the packet. Mr. Brophy said he would take a look at it on the website.

Dr. Levitt asked that they plant low shrubbery, low holly bushes, or a hedge to 3 ft. which would block the headlights and Mr. Goldstein agreed. Mr. Doran will handle this administratively and the Board agreed. Mr. Leeds suggested allowing Mr. Borro to decide and to give them the opportunity to place some cars there and decide what type of plants will look nice and where it would be best to place them. Mr. Borro would know the facility better than anybody. Mr. Doran suggested minor field judgments could be made as the project goes along.

Chief Newman posed a question through the chat feature and asked would the concrete footings of the solar panels deflect some of the headlights. Dr. Levitt said we all know what the goal is and he was sure they could work it out. The poles themselves will help block the headlights as well.

Mr. Goldstein asked Mr. Filippone to establish criteria for the variances and to discuss positive and negative criteria. Mr. Filippone said as to positive criteria, the solar panels are inherently beneficial, the design is aesthetically pleasing with the brick foundation and the blue stone matches with the architecture of the building currently. The architectural lighting will be an added plus on the site as it doesn't exist now. There are no negative criteria to discuss as the circulation will be improved, the site will be more attractive and will be consistent with other improvements. Mr. Goldstein agreed that the

positives greatly outweigh anything negative. Mr. Filippone added that the plan is consistent with Municipal Land Use Law and they took every step to keep in line with the Ordinance and the Master Plan. Mr. Goldstein said they rest their case. He asked for any additional questions from the Board.

Mr. Scharff asked where they intend to put the flagpole. Mr. Borro said it is staying put. Mr. Brophy asked Mr. Borro to check into the tree questions and the number of trees being removed as the testimony was vague. Dr. Levitt said any specimen trees removed should be planted somewhere else on the site. Mr. Goldstein said that can be a condition of approval. Dr. Levitt asked that they give Mr. Doran a tree count of affected trees.

Mr. Fleishman recommended discussion on a few items in Mr. Doran's report before opening the public session as testimony from the applicant may be necessary. For example, the sidewalk requirement would be a waiver and the Environmental Impact Statement would also be a waiver. Mr. Doran said the Ordinance requires sidewalks along parking areas. This is a rural site and the sidewalks would go nowhere so the Board can grant a waiver for this. The Environmental Impact Statement is a right that the Board has to request, it is not a requirement. It is up to the Board. The site is a long way from the wetlands. Dr. Levitt said he has no problem waiving the sidewalk requirement and the Environmental Impact Report. Mr. Scharff said there was something in the notes about curbing as well. Mr. Doran said there is a requirement that parking areas have curbing and islands. This will be a wide-open area and he thinks they have the curbing and islands where they need them. Mr. Scharff said they could also be a tripping hazard. Mr. Doran said there is also no loading area shown on the plan. Mr. Borro testified that deliveries are to the far right of the site, not down the main drive aisle. Deliveries are made near the maintenance buildings. Mr. Doran noted that all utilities have to be underground and he read the end of his report. He said the applicant gave testimony as to glare and that it would point back toward the bay and will not affect the neighbors. Dr. Levitt asked for more testimony for the lighting. Mr. Borro said the lights will hang off the poles underneath the panels and the lighting will face down toward the ground. There will be no light pollution.

Dr. Levitt opened the public session. There was one member from the public present at the Zoom meeting. Michael Geiger of 905 Shore Road was sworn in by Mr. Fleishman. He stated he lives across the street in line with the flagpole. His main concerns involved signage on Shore Road and referred to the Planning Board application they submitted a few years ago for an LED sign. He said the Atlantic City Country Club does not need a sign. Anyone going there knows where it is located. He stated that the parking lot project looks like a good plan. Dr. Levitt instructed anyone else who might be zoomed in to use the chat feature to ask questions or to comment. There was no one else who wished to speak so Dr. Levitt closed the public session.

Mr. Goldstein gave final comments. He thanked the Board and said that this is certainly not what we are used to. He said he believes they have put the application in correctly, proven the site plan and the variances for the canopies, and he said it was nice to have members of the public present at the meeting. Dr. Levitt added that they did a nice job with the project plans.

Dr. Levitt asked Mr. Fleishman how the vote should take place and Mr. Goldstein deferred to Mr. Fleishman as well. Mr. Fleishman said there is no reason to bifurcate this vote and recommended the site plan be listed together with the variances, waivers, and conditions. Mr. Fleishman said the vote is for both Preliminary and Final Site Plan approval along with four waivers. The waivers include the waiver for sidewalks, a waiver for the Environmental Impact Statement, a waiver for curbing in that there will be no new curbing except as shown on the plan, and a waiver of loading zone. There are two variances

for the width of internal roads and the canopy height corrected from 16 ft. to 19 ft. Also included are three conditions. The first is that they will replace any specimen trees removed for construction to be replaced on site. The second is they will install low shrubs to shield headlights to a height of three ft. along the solar panels, most importantly the westerly panel closest to Shore Road subject to Mr. Doran's approval, and the third is the inclusion of the contents of Mr. Doran's report except as noted at this hearing. Mr. Scharff noted that overflow parking will still be allowed on the grass. Mr. Goldstein said the hope is that this project will allow that to no longer be an issue. Dr. Levitt noted that the sign proposed on the plan has been waived and withdrawn from the application.

Mr. Scharff made the motion and Mr. Shippen seconded the motion.

The roll call vote was as follows:

Peter Brophy-Yes

Mayor Chau-absent (recused)

Jim Leeds-yes

Chief Paul Newman-yes

Henry Notaro-yes

Dan Reardon-no vote as Alternate #4-9 voting members present

Ron Roegiers-yes

Derek Rowe-absent

Clem Scharff-yes

Jim Shippen-yes

Councilman Paul Utts-yes

Steve Vain-absent

Dr. Richard Levitt-yes

The motion carries.

Dr. Levitt discussed the amended Affordable Housing Ordinance sent from City Council and asked Mr. Fleishman if this involves Northfield specifically or is it statewide. Mr. Fleishman said this is an area of specialization and every city has their own attorney. It is statewide in that it involves litigation, court approved settlements, and Ordinances are amended accordingly. He advised that the attorney or Tiffany Cuvillo should give a brief presentation at the next meeting. The Board's involvement with the amended Ordinance is to ensure that the Housing Plan is in agreement with the Master Plan. A presentation would be worth hearing and questions could be asked at that time. Dr. Levitt had reservations that this would cost taxpayer dollars. Mr. Fleishman thought it wouldn't take more than fifteen minutes. Dr. Levitt asked what would happen if the amended Ordinance is not consistent with the Master Plan. Mr. Fleishman informed the Board that they can make whatever recommendations they want, but the governing body is not bound to adhere to the recommendations. Mr. Scharff said he thought the Ordinance was all done through a settlement. Mr. Fleishman suggested the Board members review the amended Ordinance and compile questions to give to Ms. Cuvillo in writing. The contents of the Ordinance are technical and they are the result of negotiations in a settlement of litigation. He added that if the Board does not make any recommendations, City Council will proceed with a second reading and approval. Mr. Scharff commented that the amendments seem in line to him. Dr. Levitt said it is important that the Board is compliant with promoting affordable housing. Mr. Doran commented that the changed involves a half point in the density calculation. Mr. Scharff commented that he has worked on this subject for 20 years and felt the Board can vote on it this evening. Dr. Levitt asked the Board to submit questions to the secretary and to ask Ms. Cuvillo to attend the next Planning Board meeting.

Mr. Leeds asked if anyone knew what phase the Gurwicz housing project was in. Mr. Doran said they are in Phase two and there hasn't been any work on the site in months. Mr. Leeds asked for verification that after Phase 2 and before Phase 3 is when they will put the road in. Mr. Doran said that is correct. Mr. Leeds said the site looks good, but we should keep an eye on it. Dr. Levitt commented that they were to install a walkway at the back of the parking lot. Mr. Doran said that shows on the plan for Phase 3.

Dr. Levitt thanked Mr. Scharff for all of his technical help with the Zoom meetings.

Mr. Leeds made the motion to adjourn and Mr. Shippen seconded the motion. Dr. Levitt closed the meeting at 8:20 p.m.

Respectfully submitted,

Robin Atlas, Secretary to the Board