

**City of Northfield Planning Board**  
**1600 Shore Road**  
**Northfield, New Jersey 08225**  
**Telephone (609) 641-2832, ext. 127**  
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August 6, 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 of Atlantic City, 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, August 6, 2020 in Council Chambers, City Hall, Northfield, and on Zoom Meeting and was opened by Chairman Richard Levitt at 7:00 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-absent  
Dr. Richard Levitt  
Chief Paul Newman  
Henry Notaro  
Dan Reardon  
Ron Roegiers  
Derek Rowe  
Clem Scharff  
Jim Shippen-absent  
Councilman Paul Utts  
Steve Vain

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

There was one application on the agenda for Roger B. and Edwina Y. Hansen. Keith Davis, Esq. of Nehmad Perillo Davis and Goldstein of Egg Harbor Township presented the application for a two-lot Minor Subdivision for Block 175 Lot 38 known as 1300 Argo Lane. Present at the Planning Board Zoom meeting were Roger Hansen, David Goddard, CEO and President of Ole Hansen & Sons, Inc., and Kevin Dixon, Project Engineer and Planner. The two-lot subdivision includes one lot for the Hansen home which has existed for over 40 years and one new lot for the development of a single-family home. The original application submitted was for a three-lot subdivision. The application was amended and a new two-lot minor subdivision plan was submitted. The previous approval in 2010 was for a five-lot subdivision including 4 new lots and the Hansen home. Mr. Davis said Mr. Doran noted in his Engineer's letter that there was a variance. Mr. Davis noted that this was due to an error on the application with a box being incorrectly checked off. This amended application needs no variances and there is no legal

requirement for public notice since it is a By-right minor subdivision. They may require a few waivers and that will be discussed. Mr. Davis continued with a history of the property. He said the Hansens received an approval in 2010 and the resolution is dated November 4, 2010. This permitted the Hansens to develop 4 new lots. He said the approval is still valid even though it is ten years old. Mr. Davis said since the underlying zoning has not been amended or changed by Northfield, the Hansens can proceed with the five-lot subdivision as a matter of law and rights. They prefer to obtain approval for 2 lots and will do minor improvements to Argo Lane by extending it 200 ft. so that there will be minimum street frontage for the new lot. The width of Argo Lane and the cartway has existed for over 40 years. There has never been curbs and sidewalks which would lead to nowhere as pedestrian access.

Mr. Davis described the 4 exhibits he will be presenting. Exhibit A-1 is the Minor Subdivision Plan. Exhibit A-2 is an aerial exhibit of the site. Exhibit A-3 is a board of photographs. Exhibit A-4 is the five-lot subdivision previously approved. Mr. Davis introduced his three witnesses previously mentioned and asked with permission from Mr. Fleishman, would the chairman swear in the witnesses. Mr. Davis asked that he be able to screen share.

Mr. Davis continued to discuss the legality of the five-lot subdivision. Dr. Levitt asked Mr. Davis how the previous subdivision could remain in effect if there is a different footprint for the lot they are seeking now. Mr. Davis said he believes it is still in effect and will allow Mr. Dixon to answer that question during his testimony. Dr. Levitt reiterated that if the Board approves this subdivision tonight, what becomes of the previous subdivision since there is now a lot with a different footprint. Mr. Davis said minor subdivision approval this night gives the applicant the right to perfect the lots, but not the obligation to do so. Mr. Davis said approval by the Board tonight does not create the lot. The plat would have to be circulated for signatures, a minor subdivision deed would be drawn up, and the plat would have to be recorded at the county. When it is recorded with the County Clerk, that is when the lot becomes of record and comes into existence. The Tax Assessor is notified and the tax assessment is adjusted. Mr. Davis quoted a case *Price v. Martinetti* 421 N.J. Super. 290 (App. Div. 2011) that ruled that if an applicant proceeds with a subsequent plan of development but doesn't act upon it, it doesn't mean the previous approval was abandoned. The Hansens have the right to either proceed with the five-lot subdivision previously approved or the two-lot subdivision. The Hansens have been marketing the property for sale for some time. They want to move on to the next chapter of their lives and want to have options at their disposal to enhance marketability. Unlike a major subdivision, a minor subdivision needs to be perfected within 190 of the adoption of the resolution. They will have that amount of time to proceed with the two-lot subdivision, the five-lot subdivision, or to proceed to market the property as it is.

Dr. Levitt posed a scenario question that once a purchaser is found for the new lot and it is recorded with the county, what happens to the five-lot subdivision. Mr. Davis said Mr. Hansen would still have rights, but would have to return to the Board to re-confirm the five-lot subdivision. Mr. Fleishman had an issue with this and didn't think this to be so. He said a major subdivision has a certain amount of time limit to it and would have to come back to the Board for extensions. It was agreed that the approval time period has lapsed, but since the Zoning Ordinance has not changed, the approval is still there. Mr. Davis said a major subdivision approval grants the applicant a period of vested development rights against any changes in the Zoning Ordinance. For final subdivision approval, it remains for a period of two years and they can be granted three one-year extensions. These have all been exhausted. The approval time period has lapsed. He added that it is not an expiration of approval and it still remains legally in effect as long as City Council doesn't change the Zoning by Ordinance. Mr. Fleishman asked if the Board could conditionally approve the two-lot subdivision on the abandonment of the five-lot subdivision. Mr. Davis said the applicant would ask respectfully that they not do so. Mr. Fleishman said

he wants to research the effect on the five-lot subdivision approval with the approval of the two-lot subdivision. Dr. Levitt had concerns with the footprint of the new lot not being in accord with the five-lot subdivision. The Board would ask that they come back to show the Board the new configuration. Everyone agreed that this is a workable solution.

Kevin Dixon testified and answered questions next. He referred to Exhibits A-1 and A-2. Mr. Davis asked a second time to screen share. The hosts had difficulty, but with Mr. Davis' help, this was accomplished and the exhibits were displayed for viewing. Mr. Dixon discussed his qualifications as a professional Engineer and Planner for many years and has worked for many municipalities. He described Exhibit A-2 which was the aerial plan. He described Argo Lane and its construction. Argo lane is 10 to 15 ft. in width. In front of the subject property, Argo Lane is a 15 ft. cartway and right-of-way. It is a tree-lined road, and in some areas, it is lined with substantial oak trees. It is a low-key residential lane that is very narrow and has little traffic. It used to be a dirt road, but the residents paved it many years ago with oil and stone paving. It is a low intensity road in a low intensity neighborhood and is rural in nature. There have never been curbs or sidewalks and it has existed for over 40 years.

Mr. Dixon described the photographs in Exhibit A-3. Photo #1 is of the residential neighborhood, #2 shows the cartway with the large oak trees which he described as a vegetative buffer, #3 and #4 show the cartway heading towards the Hansen residence, #5 is the proposed subdivision lot where a house will be located.

Mr. Dixon referred back to Exhibit A-1, specifically the trapezoidal shape at the bottom of the plan which is proposed Lot 38.01. The overall tract is 4.62 acres. The district requirement for minimum lot area is 10,000 sf. They are proposing two lots and the remainder of Lot 38 after Lot 38.01 is carved out will be 168,028 sf which is substantially over the minimum requirement. Lot 38.01 will be 28,870 sf which is also well over the minimum. As to lot width, both lots will be 100 ft. Mr. Dixon responded to a comment in Mr. Doran's letter. Since they are now proposing two lots instead of three, and Lot 38 will now be facing Lot 38.01, this will essentially be a rear yard instead of a side yard setback. They agreed and will show it as such. Mr. Dixon said there will be improvements to Argo Lane. They will extend Argo Lane 200 ft. across the frontage of the lots which will allow for a minimum of 100 ft. of frontage for each lot. The width of Argo Lane will be 15 ft. and a waiver will be discussed shortly. The new lot will be serviced by well and septic and will meet RSIS standards for this type of roadway.

Mr. Davis asked Mr. Dixon to describe where the wetlands buffer exists. Mr. Dixon said there is a saltwater wetland that does not require a buffer. The wetland line is shown to the right of the tract boundary and the home and septic system will fit. Mr. Davis commented that the Tax Assessor provided a memo and approved the lot numbers. Mr. Dixon agreed.

Mr. Davis referred to Exhibit A-4 which is the previously approved five-lot subdivision which shows with more specificity the wetlands buffer. Mr. Davis asked Mr. Dixon if he believed the previous approval remains valid and in effect. Mr. Dixon said as long as the Zoning has not changed. The approval does not expire, but the protection against changes of Zoning has expired. If the Zoning changes, the approval would be subject to the new Zoning Ordinance. Mr. Dixon agreed that the newly proposed two-lot plan with only one new home is a better plan of development from the previous plan which would allow for four new homes. There will be less traffic down Argo Lane and the new plan will allow for more light, air, and open space. It is a lighter footprint for the neighborhood.

Mr. Davis asked Mr. Dixon to discuss Mr. Doran's letter and in particular the waivers under Residential Site Improvement Standards (RSIS) in NJ. Mr. Dixon said that the Board under Chapter 51 of Municipal Land Use Law has the power to grant exceptions to the requirements for subdivision approval. Under RSIS standards, the Board has the permission to waive curbs and sidewalks in order to preserve the rural character of the neighborhood. In looking at existing conditions, the roadway is over 1500 ft. long, the lane is narrow, it is a low-intensity roadway, and there are no curbs and sidewalks. To install any pedestrian facilities here does not provide any benefit either to the city for pedestrian circulation or to the neighborhood in general or to the houses in the proposed subdivision. There are no curbs anywhere, the drainage would be poorly served by curbing and would not help with the concentrated flow of water. Storm water is dissipated well by the vastness of the golf course. The Board has many reasons to waive curbs and sidewalks in this case.

Mr. Davis described MLUL 51A further by saying the waivers are appropriate if there is impractical reasons or hardship due to peculiar conditions. Mr. Dixon said the subdivision is at the end of Argo Lane. It would be impractical to install curbs and sidewalks at the end of the lane that would lead to nowhere. Mr. Davis said they are also maintaining the width of the road and cartway and will have sufficient frontage for the lots.

There are three waivers they are seeking from the subdivision standards. The first is the minimum travel way of 21 ft. They will be providing 15 ft. of roadway. The second is the 50 ft. minimum right-of-way. They are providing 15 ft. The third is to deviate from curbs and sidewalks on one side of the street. Mr. Doran also suggested providing additional street trees at 30 ft. on center according to Ordinance requirements. They do not feel they are needed here. Mr. Dixon said Argo Lane is a beautifully tree-lined lane and in addition, there is a large stand of trees in the area where Argo Lane will be extended. They want to preserve all these trees. The trees would have to be cut down in order to plant new trees 30 ft. on center. Mr. Dixon felt the waivers should be granted. Mr. Davis added that these are waivers and not variances and that there is a substantial difference in proof. No Board members had any further questions for Mr. Dixon.

Mr. Hansen testified next. He began by stating that he owns 1300 Argo Lane with his wife Edwina. They have owned it for 42 years and it is their personal residence. Their home is accessed by Argo Lane. He gave some history of the property by stating he bought the home from Herbie Cunningham whose family owned the home since the 1850's. She ran a hot dog stand at the corner of the property and operated it for 75 years. There is still a concrete pad there which she used for the stand. She passed away in her late 80's. Her mother operated it before then. They had cows on the property. Golfers used to buy milk from them. The lane was a two-track dirt lane. When Mr. Hansen purchased the property, he installed gas and electric and paved the road with oil and stone. The improvements were all in a public right-of-way and they maintain it as a donation to the city. The city will fix potholes and does some maintenance, but he plows the road when it snows using his Margate Bridge plow. There are three other houses plus a vacant lot in the golf course area.

Mr. Hansen discussed the five-lot subdivision. He has had the property on the market for ten years. He has had a few people interested, but it is a big property to take care of. It is the main reason he decided to subdivide. The three-lot subdivision didn't quite work out, so they decided to go with the two-lot plan. He wants to be able to give a potential buyer a choice. They are trying to make it as easy as possible to sell.

Dr. Levitt asked how the issues with the Fire Department were resolved. Mr. Davis said deliberations with the Fire Department were under the context of a different application for development. The three-lot subdivision required a planning variance. The current application does not require a Section 36 variance. One of the lots was not going to have approved street frontage. The access was going to be from an easement and not a public right-of-way. Statute states that they must address fire safety and emergency vehicle access because an easement is involved. That is no longer an issue. The Board Secretary contacted the Fire Department for an updated letter and there was no response. We have to assume there aren't any issues with respect to this application.

Dr. Levitt asked Mr. Doran to discuss any items in his letter that were not already addressed as well as the waivers. Mr. Doran said he agrees with the waivers that were discussed, but had concerns with the narrowness of the street design. He felt he had to ask if a turn around at the end of the street would be appropriate for anybody that gets down to the end of the street and has to get out. This could include snow plows, delivery trucks, or even people who travel the road to take a look. They have to be able to turn around. Mr. Doran referred to the State DEP letter that was a freshwater wetlands letter. The buffer was 150 ft. and he asked Mr. Dixon if this could be shown on the plan for the big lot for someone who may want to purchase that lot. As to sewer and water, it is a long way for a domestic hook up and he felt septic and well to be the most appropriate for the new lot in this situation. As to the Fire Department, Mr. Doran felt the Board had heard enough about it and can make their own determinations. Dr. Levitt suggested in lieu of a turnaround, would a K-turn on the driveway be possible as long as there was no obstruction of the driveway. Mr. Davis said practically that is how things operate now. Delivery trucks, Fed Ex, and trash trucks use the Hansen driveway for turnaround. He suggested a condition of approval to work on a formation of an easement with Mr. Fleishman to allow these types of vehicles to turnaround in his driveway in lieu of additional improvements to the street. Mr. Hansen said that is how they have been dealing with turnarounds for the past 40 years. They use his driveway. Dr. Levitt said if a new owner applied for a permit to install a control gate, there would be no turnaround available. Mr. Hansen said they would have to have an easement. Dr. Levitt said there would have to be an easement for any new driveway to provide public access or turnarounds. Mr. Doran made the suggestion that an easement be filed with the deed and shown on the minor subdivision plan so there would be no question and a future owner would know it is there. Mr. Vain asked if a car was parked in the driveway, would a turnaround still be possible. Mr. Doran said there should be plenty of room. The easement only needs to be 15 ft. Mr. Doran said it is important that it is clear for someone in the future who may try to obtain building permits. Mr. Davis said they can work on an acceptable depth. Mr. Dixon agreed it would work as there is at least a vehicle length down the driveway and Mr. Davis agreed to the condition.

Mr. Davis noted that they would need to verify the wetlands issue Mr. Doran referred to. Mr. Dixon said he will clarify that there are two wetland sections, one is freshwater and it is affiliated with the pond and requires a buffer. The saltwater wetlands have no buffer requirement and this is the wetlands adjacent to this development. Mr. Hansen's lot has the wetlands buffer at the back end of the lot and this can be shown on this plan.

Mr. Davis rested his case.

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

Mr. Davis gave his summary. This application is for a By-right minor subdivision with no variances. Testimony was provided for the minor waivers related to conditions of Argo Lane and the property, there is a very low burden compared to a variance application, and the testimony was easily met. There are two conditions. The first is the easement for the driveway to be established on the new Lot 38.01 to allow for K-turns up to 20 ft. and this is to be provided on the minor subdivision plan and separately recorded as an easement deed which can be shown in a chain of title for subsequent buyers. The second involves the wetlands buffer, once the location is verified, which will be put on the plan before filing. They respectfully ask for favorable consideration of this minor subdivision.

Mr. Fleishman suggested a third condition which he believed Mr. Davis would appreciate. The condition was that there would be no abandonment of the prior major subdivision as long as there was no inconsistency with the current plan and if there was, modification would be necessary. Mr. Davis agreed and said they would appreciate that. This would be so if the minor subdivision is perfected and the lot is created and it would need to be re-addressed. He said they would work together on the language in the resolution. Dr. Levitt added that he would like to see the waiver language to include sidewalks and curbs, road width, and street trees, and should these waivers be granted, these waivers go with the two-lot subdivision and not the five -lot subdivision. Mr. Davis had no objections to this and said any alternative plan of development would have to come back before the Board. Mr. Fleishman clarified the four waivers for the sake of the resolution. Mr. Davis said sidewalks are an RSIS standard and curbs and sidewalks are part of the Northfield Ordinance, but he thought they could be included together in one waiver. There would be three waivers; a waiver for curbs and sidewalks, a waiver for the 15 ft. cartway which involves two different standards, one for right-of-way and one for travel-way, and a waiver for any additional street trees.

Dr. Levitt asked for any further questions. Seeing none he asked for a motion for approval for a minor subdivision creating one new Lot 38.01 subject to the conditions stated involving the wetlands outline, the designation of a K-turn easement, and the three waivers discussed a moment ago.

Mr. Scharff made the motion and Mr. Brophy seconded the motion. The roll call vote was as follows:

Mr. Brophy-yes

Mayor Chau-absent (recused)

Mr. Leeds-absent

Chief Newman-yes

Mr. Notaro-yes

Mr. Reardon-yes

Mr. Roegiers-no audio; yes vote was cast on chat feature after vote was completed

Mr. Rowe-yes

Mr. Scharff-yes

Mr. Shippen-absent

Councilman Utts-yes

Mr. Vain-yes

Chairman Levitt-yes

The motion carries.

City Councilwoman Susan Korngut addressed the Board. She said she has been on City Council for three years. She would like to see a Dog Park developed in a section of Birch Grove Park and has been working on this for a long time. There is a lot of support for this endeavor and she has a good plan and model for the park. She said residents are excited about it although there were a few who were not happy. City

Council members suggested she go before the Birch Grove Advisory Board and also the Planning Board just to inform the Boards of what she is proposing. The City Engineer, Rami Nassar volunteered his time and came up with the plan. She informed the Board she is not running for re-election, but will continue to work on this project as a private citizen. She wants to be sure there is not problem with the area of the park they have chosen. They decided to move it deeper into the park and are using the Egg Harbor Township model. The city would lease the land. Dr. Levitt asked if they would only be constructing fencing. Ms. Korngut said there will be no structures or buildings. Dr. Levitt said the Park Advisory Board has latitude and discretion over this. Mr. Fleishman agreed with Dr. Levitt and said City Council has control over this and it is not a requirement to come before the Planning Board. Mr. Vain asked if there were any deed restrictions when the park was given to the city. Mr. Fleishman said deed restrictions do not impact zoning. Dr. Levitt asked Mr. Doran his opinion. Mr. Doran responded that the only issue he can see is whether or not the park allows dogs. Dr. Levitt said Ms. Korngut should defer to the park committee and that they are wonderful. Dr. Levitt thanked Ms. Korngut for coming before the Board and said the Board appreciates the information. She said she will keep the Board posted.

Mr. Scharff commented that he is still working on the vehicle cable charging issue and is doing research. Dr. Levitt said he would like to go forward with this and suggested Mr. Doran work on it with Mr. Scharff. Dr. Levitt said he would like to see something prepared to present to City Council so we can get something on the books.

Councilman Utts made the motion to close the meeting and Chief Newman seconded. Chairman Levitt closed the meeting at 8:12 p.m.

Respectfully submitted,

Robin Atlas, Secretary to the Board