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July 1, 2021

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 on June 21, 2021, 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, July 1, 2021. Pursuant to N.J.S.A. 10:4-8(b), this meeting was live-streamed using Zoom conferencing service. The meeting is also being held in-person with limited seating available due to Covid-19 social distancing parameters. Public attendance was by reservation only.

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The meeting was opened by Chairman Richard Levitt at 7:06 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

Joseph Dooley

Dr. Richard Levitt

Chief Paul Newman

Henry Notaro-present on Zoom

Dan Reardon

Ron Roegiers

Derek Rowe
Clem Scharff-present on Zoom
Jim Shippen
Councilman Paul Utts
Joel M. Fleishman, Esq.-Planning Board Solicitor-present on Zoom
Matthew Doran, PE, PP-Planning Board Engineer

Robin Atlas, Board Secretary, read the following statement:

As you may know, Governor Murphy issued a new Executive Order, No. 242, which eased restrictions on face coverings in indoor public spaces, under certain conditions, effective May 28th. The order permits employers to impose stricter requirements regarding face coverings in indoor settings, which, in the best interests of our employees and visitors, the City of Northfield has opted to do. Therefore, the City of Northfield will continue to require face coverings in our indoor public spaces. Nothing is changing from our practice prior to the effective date of EO 242 and visitors are made aware of this decision with signs at the entrances to the building.

Due to social distancing requirements related to Covid-19, there are limited seats for in-person attendance by members of the public this evening. For this reason, this meeting is also being presented simultaneously as a remote public meeting, live-streamed, using Zoom conferencing service, and in accordance with the Governor's Executive Orders and the Open Public Meetings Act. Zoom meeting participants can dial in by telephone and listen to the proceedings, or they can access the meeting using a web-browser, and be able to view and listen. Instructions on how members of the public could reserve one of the limited seats, as well as how they can access Zoom have been made available on the municipal website and were published in The Press of Atlantic City June 21 2021.

For those participating on Zoom, all participants will be 'muted' upon entry to the meeting. Web-browser participants will not be able to share their screens or see the camera-view of anyone other than the host, which is the City of Northfield. Zoom participants wishing to exercise their right to participate during the public comment portion of the meeting should wait until the specific announcement is made to open the public session. At this time, one by one, any telephone users will be asked to identify themselves and will be unmuted to permit commentary. For web-browser participants, comments or questions can be submitted using the chat function and will not be acknowledged outside of the designated public-comment portion of the meeting; chat users must also provide name and address for the record in order to be heard. Any written comments submitted in advance will be read aloud and addressed during the public comment portion of the meeting.

Dr. Levitt asked for a vote to approve the minutes for April 8, 2021, May 6, 2021, and June 3, 2021. The voice vote was all in favor. Mr. Brophy clarified that the voice vote should include both a 'yay' vote and a 'nay' vote. There were no corrections or dissenting votes.

Tim Joo, Director of Emergency Management for the City of Northfield, addressed the Board to discuss the Atlantic County Multi-Jurisdictional Hazard Mitigation Plan. He asked the Board to refer to the fact sheet he provided. To Mr. Joo's knowledge, Northfield has been a member since 2016. The program was adopted in 2010 and is updated every five years. The plan involves community outreach with the goal to improve hazard mitigation. Every town has to come up with a plan to minimize damage and risks from hurricanes, floods, fires and other such disasters. These hazard events can potentially cause property loss, economic hardship, environmental degradation, and threats to public health and safety including

loss of life. Mr. Joo asked the Board for a volunteer to be a part of the local jurisdiction team. The team will meet and discuss actions and ideas.

Mr. Joo discussed some of the items in the plan they have identified and some projects that have been completed. Action needs to be taken with diseased and dead trees on properties to minimize power outages. Public works needs an emergency generator as the old generator doesn't work well and a shelter will need to be built for a new one. The team needs to look into charging stations for times when storms knock out power for extended periods of time, EOC (Emergency Operating Center) Hurricane standards need to be discussed, and the new office for the EOC is located downstairs at City Hall. New furniture has been installed and it is below grade, but it will work. There are no major flooding issues in town, but there are about ten homes that do continuously flood and if this continues, it might be ideal to purchase these properties to prevent repetitive losses. Some of the projects that have been completed include the purchase of a Vac Truck, a bypass pump for the sewer stations, and for winter storms, brine application equipment has been purchased. The team will need to look into warming and cooling centers for at risk population and they need to be identified. There are currently 34 participants on file with the Fire Department. The city needs a front-end loader and he will look into seeing if this has been purchased. Mr. Joo says he wants public input and is open for suggestions. He wants to get the Jurisdiction Assessment Team together once or twice and this does have to be completed by August 18th. Dr. Levitt had a suggestion for the team to look into and asked about mandatory evacuations from the Island and the effects on East Mill Road and the traffic light. Mr. Joo made note of it. Chief Newman said the city can't control NJ State lights, but they can control Atlantic County lights and he noted that in the past, the problem was not leaving the island, it was getting back on the island once travel restrictions were lifted. Dr. Levitt asked if anyone on the Board would be interested in volunteering and Mr. Roegiers said he would be interested. Dr. Levitt thanked Mr. Joo for his presentation.

There was one application on the agenda from Plastic Spoon, LLC, Block 82, Lot 8.01, 2318 New Road for a "D" Non-Conforming Use variance, a "D" Conditional Use Variance, and a Waiver of Site Plan. The attorney for the applicant was Benjamin Zeltner, Esq. of Levine Staller of Atlantic City. He began by verifying that the Proof of Publication was in order. The Secretary verified that it was in order.

Mr. Zeltner said the application is from a resident who wants to operate a new business for a take-out ice cream shop and retail store and the location is in the C-B zone. The applicant wants to adaptively reuse the existing building. The take-out ice cream use doesn't meet the standards or the Ordinance and they are seeking a waiver of site plan and a variance for any existing non-conformities. Dr. Levitt swore in the applicant Ari Frangias of 7 Haviv Drive in Northfield and Jason Sciuillo, P.E. , P.P. of Atlantic City and who completed the plan.

Mr. Frangias said he lives with his wife and two kids in Northfield and he is the owner of a bar in Galloway and a Taco Shop in Brigantine. He plans to operate the ice cream shop seven days a week. The hours are tentatively from mid-afternoon to 9 or 10 in the evening. He plans for take-out service with maybe 3 or 4 picnic tables outside. He plans to sell ice cream and milkshakes along with retail mugs and knick knacks. He described Exhibit A-1 which was a photograph of the building enhanced with graphics of a white upside-down ice cream cone. The computer rendition displayed the name of the store as Northfield Ice Creamery. It will be a bistro style building with fencing to separate the drive aisle. He plans to add plants, flowers, and greenery. He said he chose this location because the A-frame building screams ice cream. He has always loved this building and he feels it is very memorable. He has been in

the area for 20 years and to him, it needs to be an ice cream store. He enjoys community involvement and he has 2 kids involved with sports and activities and he would like to sponsor kids and sporting events and he wants kids to be involved. He intends to employ teens. He said customers will be able to get to the shop by bicycle, scooter, car, or on foot. There is a neighbor, Scott who lives in the back A-frame house and they share a mutual friend. He is a scallop fisherman and is young. He liked the ice cream idea right away and had zero issues. If any problems were to arise, Mr. Frangias said he would be amenable to making it right.

Mr. Brophy clarified that there would be no cooking of food. Mr. Frangias said no there would be no cooking. There is cooking at both of his other businesses and he does not want that for this store. Mayor Chau asked about parking. Mr. Frangias said there are currently 14 parking spaces. Mr. Roegiers asked about the picnic tables and was told they would be on a concrete pad out front. Mr. Sciuillo displayed Exhibit A-2 which was the site plan rendering. The plan shows the concrete area having railroad ties and plantings and that is existing. Dr. Levitt commented that the planter area could be arranged for protection of the picnic tables since the property is on New Road which is a busy road and it could be dangerous. Mr. Frangias said he could use the planters as barriers. Dr. Levitt suggested he could do as Wendy's has done with their outdoor seating. Mr. Roegiers said that Little Italy used brick barriers for their seating as well.

Jason Sciuillo testified next. He has a Bachelor's Degree in Engineering and is licensed in both New Jersey and Pennsylvania. He has been licensed for 15 years and owns his own firm. He said he drew the plans of the site and the zoning exhibit and displayed Exhibit A-2 which is a color version with an aerial photo background. He described the surrounding area. The site is located on New Road, there is an office building, a vacant garage, and a residential street. The building is 800 sf and a little over 1000 sf with the porch included. Mr. Sciuillo described the site; the concrete and parking areas. There was an above ground storage tank and a shed in the southeast corner, but they have both been removed. They will have a 12 ft. x 12 ft. fenced trash enclosure and they expect the trash generated to be low. The signage will be as it exists today. They agree to add protection for the seating. In the C-B zone, this use is a permitted conditional use, but the Ordinance does not differentiate between large and small restaurants. He will detail this later.

Mr. Sciuillo described site circulation as being counter clockwise and the drive aisles are not restricted to one way driving. Dr. Levitt asked if they were proposing signage to direct traffic. Mr. Sciuillo said they could do that but the neighbor in the back has the ability to drive any way due to the easement. Dr. Levitt asked about the widths of the driveways. Mr. Sciuillo said they vary with the south side at 17 ft. and the north side is 11 ft. The rear width is 16 or 17 ft. Dr. Levitt asked about curb cuts and Mr. Sciuillo said there is a defined driveway with raised curbs. Dr. Levitt asked if two cars can enter and exit at the same time. Mr. Sciuillo larger cars would have a hard time and said they wouldn't suggest one way driving unless the Board requested it. They want to continue circulation in a counter clockwise direction one way and the neighbor will be allowed to drive any way he wants.

Mr. Sciuillo said the building has been there since 1970 and the rear A-frame since 1984 and both pre-date the 1986 Ordinance so the buildings are existing non-conforming improvements. The retail components are fully permitted and the restaurant portion is a conditional use. When the Ordinance was drafted restaurants were permitted but needed standards to make them less of an impact. The Ordinance requires the site to be one acre for a restaurant and this site is on a ¼ acre lot. The second

standard is for minimum lot frontage where 200 ft. is required and existing is 71.2 ft. The third standard is buffering to residential lots where 25 ft. is required and existing is 16 ft. The applicant does not need nearly that amount of space as required for a restaurant. It would constitute a mis-use of land. The existing site is exactly suitable for what they need. They have adequate parking and do not need to make changes to the site. To advance the purposes of zoning and light, air and open space, they do not need to expand anything. As to advancing zoning, this is a unique use and reuse of the land. They want to save and reuse the building for this purpose and it is an efficient and adaptive reuse of the land. This will contribute to the neighborhood character. As to negative criteria, there is no detriment to the public good. The ice cream and retail shop will be a low intensity use and they do not expect a lot of traffic or noise. There will not be a peak hour impact. The shop will be busiest after dinnertime. They expect the clientele to be family oriented and the site is pedestrian friendly. This is not inappropriate zoning and they will only be adding an enclosed trash enclosure.

Mr. Zeltner referred to Mr. Doran's report regarding the existing non-conformities including Lot area, Lot width, Front setback, Total coverage, Gross floor area, and Buffering. They are existing and they are not changing any of these conditions. Mr. Sciuлло agreed and they would request variances for these conditions. Mr. Zeltner added that they are also seeking a waiver of site plan approval. Dr. Levitt asked about the sign. Mr. Sciuлло said they will be using the existing sign and will be repainting the board and there will be no internal lighting. Dr. Levitt suggested adding a bike rack. Mr. Sciuлло said in the first parking space at 18 ft., a bike rack will fit in there after the sidewalk. Mr. Sciuлло asked the Board to not require the bike rack to be permanent in case it needs to be moved. Mr. Roegiers asked that it not be placed too close the road. Mr. Sciuлло added that it will be double-sided. Dr. Levitt requested they show the bike rack on the final plan.

Dr. Levitt said he is not opposed to serving other types of food besides ice cream as long as it is take-out and there is no indoor dining or indoor tables. The Board had no issues with this, but Mayor Chau said as long as it does not involve cooking. Dr. Levitt said he didn't want to burden the applicant with having to come back before the Board. Mr. Frangias noted that they plan on serving waffles and would be using a waffle iron. This will be electric and they plan to have two or three of them. They may also use an electric air fryer. Mr. Frangias said they will not be installing any hoods and would not do any cooking that would require hoods. Dr. Levitt said the applicant will have to get permits from the Zoning official and that is why he brought this up and he suggested that Mr. Fleishman word the resolution to include ice cream and related food items and to not make this overly restrictive. Mayor Chau said he would not be opposed to a hot dog roller machine.

Mr. Rowe asked how customers would enter the building and would there be safe walking areas. Mr. Sciuлло said they would enter through the front of the building. Dr. Levitt suggested they paint arrows on the blacktop to tell people where to walk and he asked them to clear this with Mr. Doran on the final plan.

Dr. Levitt opened the public session. There was no one present or on Zoom who wished to be heard.

Mr. Doran referred to his report. Areas of the report that weren't previously discussed were addressed. Mr. Sciuлло noted that on page two of the report, it states that exterior seating is not permitted. Mr. Doran said that Wendy's was before the Board a few months back for an exterior seating approval. He said it is currently permitted due to Covid-19, and he was unsure if it has been changed back. Mr. Sciuлло said in that case they would seek the variance for outdoor seating. Mr. Sciuлло said that Mr. Doran

calculated the parking on seating since no floor plans were provided and eight parking spaces would be required. Four parking spaces are required for the retail at one parking space for every 200 sf of floor area of the building. Mr. Doran said they comply. Mr. Sciuillo said two handicapped stalls are proposed. Mr. Sciuillo said he will check on the lighting to make sure that the site is adequately lit. For traffic flow, they agree to paint arrows to direct traffic and pedestrians. The fence in the back of the property will remain. Mr. Sciuillo noted that he received the Fire Department letter today and there were no negative comments. They will continue to use the existing sign.

Dr. Levitt commented that this is a D3 Variance which has less of a burden than a Use variance. It is a permitted use but they don't comply with all the conditions. In this case the conditions are related to lot size and lot frontage. The motion was made in the affirmative to permit a restaurant on site with the conditions that there would be no indoor dining, they will provide painted walkways and painted directional arrows on the driveways for traffic and pedestrian flow, they will check that the lighting complies, provide a bike rack, reposition the barriers to protect the tables from Route 9 traffic, a site plan waiver, and all of Mr. Doran's letter. Mr. Shippen made the motion and Mayor Chau seconded the motion. There were seven votes cast since this application was a matter for the Zoning Board.

The roll call vote was as follows:

Joseph Dooley-Yes

Chief Paul Newman-Yes

Ron Roegiers-Yes

Derek Rowe-Yes

Clem Scharff-Yes

Jim Shippen-Yes

Dr. Richard Levitt-Yes

The motion carries.

The next item of business was to review the Cannabis Ordinance. City Council introduced and passed the Ordinance on its first reading at a regular meeting held on June 15, 2021. The Ordinance title is as follows:

City of Northfield Ordinance No. 7-2021

AN ORDINANCE BY THE CITY OF NORTHFIELD IN THE COUNTY OF ATLANTIC, NEW JERSEY PERMITTING THE OPERATION OF CERTAIN CLASSES OF CANNABIS BUSINESSES WITHIN ITS GEOGRAPHICAL BOUNDARIES Pursuant to N.J.S.A. 40:55D-64 and N.J.S.A. 40:55D-26.

The Ordinance was referred to the City of Northfield Planning Board for review and to determine if it is consistent with the Master Plan of the City. Councilman Utts said City Council approves of four of the six classes of Cannabis. They have yet to approve of processing and cultivating. Dr. Levitt said this applies only to the R-C zone. This is not specifically stated in the Ordinance, but it is referenced by Chapter, Article, and Section. This is an amendment to our Zoning Ordinance to permit this class of business within that zoning section. This area of R-C Zone is out on Tilton Road near the border with Egg Harbor Township. Councilman Utts clarified that it is the area between Dunkin Donuts to the border with EHT. Mr. Brophy asked if Northfield were to do nothing by the August 21st deadline, would it all be legal? If Council were to approve Classes 3,4,5 and 6, but does not specifically prohibit Class 1 and 2, and this was not addressed, would it be allowed. He asked if Mr. Fleishman could answer. Dr. Levitt said he had a family emergency and is not currently online. Dr. Levitt said it is his understanding from City Council's Attorney that the law requires that they indicate what and where it can be approved. By inference, it

will not be approved in the other areas as long as they comply with the conditions of the NJ State mandate. Councilman Utts said that is certainly the intent and they can re-visit this down the road. Mr. Brophy suggested that the Board recommend that it is not approving Class 1 and 2 and to insert language as such. Dr. Levitt said their Attorney believes it to be adequate and that it indicates that it is not approved in other areas. Dr. Levitt said it already passed the first reading and if it goes back and forth, we will get into a time issue. Dr. Levitt asked Councilman Utts to confirm that Council needs a resolution for what and where they approve the use and that it restricts its use from other areas. Dr. Levitt also asked Councilman Utts to check with Council that it is iron clad that this is not permitted in other zones. Dr. Levitt stated that it is in our Ordinance that any use not permitted is prohibited in any zone. Mr. Brophy asked if this clashes with the August 21st deadline. Mayor Chau suggested that the record reflect that it should clearly state in the Ordinance that Class 1 and 2 are not included. Dr. Levitt said it should be clearly stated that the permitted zone is only the R-C zone.

Mr. Dooley made the point that marijuana is still a Federal Schedule 1 Narcotic and said that Federal law should supersede NJ State law. Dr. Levitt said that is the hot topic and conflict, but this has become a states rights issue. There are proposals in Congress to decriminalize marijuana. He also noted that interstate trafficking is still prohibited. Mr. Dooley had concerns with safety issues and he did not agree with legalized marijuana and said the sale of Cannabis in the City of Northfield would attract undesirables and people who were using other more dangerous substances. He also said that the R-C Zone is adjacent to family type of commercial establishments such as the golf driving range, family restaurants, and the theater. Councilman Utts said the CM-F Zone (Commercial Multi-Family) is excluded from this. When Mr. Gurwicz developed Cresson Hill, some of this area was converted to the CM-F Zone. Mr. Dooley said he thought the sale of marijuana in the City of Northfield to be a bad idea and he noted that Linwood and Somers Point have not approved of this. Councilman Utts said 70% of the NJ State voters approved legalization. Mr. Dooley said they voted for decriminalization and not sales. Dr. Levitt said we have a liquor store in that zone and the hazards may be equivalent. Mr. Dooley disagreed.

Dr. Levitt said the Board has an Ordinance from Council that in order to incorporate into the Municipal Land Use Ordinance, the Board needs to vote to approve and send back to Council. Mr. Scharff made the motion and Mr. Shippen seconded the motion.

The roll call vote was as follows:

Mayor Chau-No

Joseph Dooley-No

Chief Paul Newman-No

Ron Roegiers-No

Derek Rowe-No

Clem Scharff-Yes

Jim Shippen-Yes

Councilman Utts-Yes

Dr. Richard Levitt-Yes

The vote was 5 to 4. The motion did not carry.

A discussion ensued. Mr. Scharff said by not giving our approval, this now defaults to the NJ State standard that has been mandated. It is what the voters have given us and this will allow it to be

permitted anywhere in Northfield. Dr. Levitt agreed and said it is an Ordinance that is restrictive. He asked the Board to consider that. It is not an easy issue, and not acting can be worse than restricting it. It is what New Jersey State and the voters have put before us. Mr. Dooley said it may happen, but he wasn't convinced.

Dr. Levitt asked the Board if any of the members would consider changing their vote. Mr. Dooley said Linwood and Somers Point have voted no and are not afraid of what the state will say and he felt Northfield should vote no as well. Councilman Utts said the city will benefit with an additional 2% in revenue from this. Mr. Dooley said more police will be needed in certain areas. Mr. Utts said the city also needs a new fire truck. Mr. Utts added that in Egg Harbor Township, all six levels have been approved and the same happened in Pleasantville. Cannabis will be everywhere and if we wait, it will cost the city the 2% revenue and Northfield will be excluded from that stream. Mr. Dooley said he had concerns with property taxes and property values and also other commercial businesses that may find themselves next door to this type of business. Mr. Utts said we have liquor stores and tobacco shops which are much more addictive. Mr. Dooley said 65% of students become addicts. Mr. Utts said they need education from school and parents. Mr. Dooley felt we should set an example. Dr. Levitt said it would be better to restrict sales to the R-C Zone. We need to be realistic. The state will allow it to be permitted in any zone and we could find ourselves with a far worse alternative. It is going to be ubiquitous and it is being decriminalized. It won't change the dynamic of the zone. Mr. Dooley said he cares about Northfield and it is a Class 1 Schedule 1 drug according to the Federal government and they classify it as a drug having a high potential use. Dr. Levitt said we have an Ordinance sent to us by the elected officials of this city and the public after meetings and with public input and he doesn't think an appointed Board with a 5 to 4 vote should restrict what the elected officials and the public want. He then asked if anyone would consider changing their vote so that City Council can move forward with this and restrict the use to just the R-C Zone and avoid the possibility that the state will mandate it everywhere. Mr. Rowe changed his vote to a Yes. Mr. Roegiers changed his vote to a Yes. The vote is now 6 Yes votes to 3 No votes. The motion carries.

Dr. Levitt said this is the calculus that Council went through. There have been numerous hearings and public input. Chief Newman disagreed and said there has not been public input. He said we have no idea of the outcome of this and he wants the facts so that he can make an educated decision. We don't know about the problems that will occur or about the revenue. Dr. Levitt said Council has two more bites at the apple and they are elected officials and there will be another opportunity for the public to speak. We as appointed Planning Board members shouldn't overturn the process that Council has put their hard work and efforts into. Mr. Dooley said Zoning is supposed to deal with safety. Dr. Levitt encouraged him to give his opinions to Council at the public meeting. Mr. Shippen addressed Mr. Dooley and said that alcohol causes more problems than Cannabis. Mr. Dooley disagreed. Mr. Brophy asked if Council needs the Planning Board approval. Dr. Levitt said yes. They need the Board's approval to change the Land Use Ordinance to restrict Cannabis to the R-C Zone. This is a *Fait accompli* and Council has chosen an area of Northfield which is in a corner of the city on a highly trafficked road, it is not near residential areas, parks, playgrounds, or schools and they have restricted what Cannabis business classes can be provided, and they have suggested that we modify the Ordinance as they have recommended. Mayor Chau said we could also play the Devil's Advocate on this and go the opposite way and suggest they expand the areas of sales. He said he also appreciates that Council is against the wall on this to make a

decision due to time restraints. Dr. Levitt concluded that the Planning Board has approved the Zoning change and will send this information back to City Council as requested.

There was one resolution to memorialize for Learning Edge Academy Inc., Block 75, Lot 33, 234 Ridgewood Drive for a Major Site Plan, "C" Variances, Design Waivers, and Conditions. Abstentions were Peter Brophy, Henry Notaro and Dan Reardon. Dr. Levitt commented that he has spoken with a neighbor who could not attend the hearing for Learning Edge Academy Inc. but had some questions about the application and approval. The voice vote was all in favor of approval.

The discussion went back to the Cannabis issue. Dr. Levitt said he would like to see what will happen in five years and asked if City Council can change the Ordinance. Councilman Utts said yes and gave an example of a developer coming to Northfield and wanting to use the Kensington warehouse for a cultivating site. The Ordinance would have to be changed in order for that to happen. Dr. Levitt speculated as to what would happen if it is shown to be a negative situation for Northfield and can the city say they no longer want Cannabis sales. Mayor Chau said yes, City Council can change it. Mr. Roegiers agreed it could be rescinded. Dr. Levitt said it is a social experiment and he is curious how it will pan out. The experience has shown in other districts and municipalities that they have gotten rid of the illegal purchases of Cannabis and it really hasn't increased the use of it by any great magnitude. It will make it easier for the curious to experiment and hopefully that is all it does.

Mr. Brophy had a question about the Board's position on neon signs. Dr. Levitt advised reading the Ordinance but he added that neon signs were changed to digital signs and are permitted in certain districts. There is to be no moving animation and brightness is restricted. Mr. Brophy asked about the "OPEN" signs that light up each letter singly. Mayor Chau said that is a moving sign and is a violation that should be reported. Mayor Chau added that there are really not any neon signs anymore. He said the problem with sign violations is that they are on at night and the Zoning Officer is not on duty. He needs to be informed to address the issue and he asked Mr. Brophy to report it to him.

There was no other business on the agenda. Mr. Shippen made the motion to close the meeting and Mr. Rowe seconded the motion. D. Levitt closed the meeting at 8:34 p.m.

Respectfully Submitted,

Robin Atlas

Robin Atlas, Secretary to the Board

ADDENDUM:

The following day, two of the Board members who voted no on the Cannabis Ordinance asked that their opinions be included with the record. Mr. Roegiers said he is opposed to legalized marijuana, but if it is allowed and has been legalized, he felt the city should be able to determine where it can be sold. Chief Newman felt the vote should have been postponed since the Planning Board Attorney had a family emergency and was not available for this portion of the meeting. He felt there should not be a rush with the vote. He also thought the vote should have been in two parts. The first dealing with the R-C zone and the other vote restricting it in the parks. He said it was suggested that the Board not run counter to the intent of Council and he didn't agree with that and felt the Board should act as a checks and balance here. He agreed with comments made by Mr. Brophy that all votes should be clear as to those in favor and those opposed.