

**City of Northfield Planning Board**  
**1600 Shore Road**  
**Northfield, New Jersey 08225**  
**Telephone (609) 641-2832, ext. 127**  
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March 3, 2022

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 February 21, 2022, 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, March 3, 2022. ***In following with the decisions of Mayor Chau and City Council, the Planning Board will be eliminating the mandatory observation of Covid-19 related social distancing measures at their public meetings. In addition, the Planning Board will continue to air the regular meetings on Zoom video conferencing for convenience of those who do not wish to appear in public.*** Formal action may be taken at this meeting.

City of Northfield Planning Board is inviting you to a scheduled Zoom meeting.

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Prior to the start of the meeting, Mayor Chau swore in Henry Notary to a two-year term as Alternate Planning Board member #1.

The meeting was opened by Chairman Richard Levitt who was present on Zoom 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-absent

Mayor Erland Chau

Joseph Dooley-absent

Dr. Richard Levitt-recused

Chief Paul Newman

Henry Notaro  
Dan Reardon  
Ron Roegiers  
Derek Rowe-absent, recused  
Clem Scharff  
Jim Shippen  
Councilman Paul Utts-absent  
Joel M. Fleishman, Esq.-Planning Board Solicitor  
Matthew Doran, PE, PP-Planning Board Engineer

There was one resolution to memorialize for Kathleen A. Voss, Block 121, Lot 2, 113 Roosevelt Avenue for "C" variances to construct an addition to her residential home. Abstentions were Mr. Brophy, Mr. Carney, Mr. Notaro, Mr. Reardon.

The roll call vote was as follows:

Mayor Chau-yes  
Chief Newman-yes  
Mr. Roegiers-yes  
Mr. Scharff-yes  
Mr. Shippen-yes  
Chairman Levitt-yes

Dr. Levitt recused himself from the Webster application and turned the chair over to Vice Chairman, Clem Scharff. Mr. Fleishman had one item to discuss before hearing the applicant concerning outdoor seating which was temporarily allowed during Covid-19. The concern was moving forward with a permanent Ordinance being written and adopted and he asked the Planning Board members to voice any concerns they have to Dr. Levitt. Mayor Chau said he has heard concerns from citizens about outdoor seating. The original intent was to help restaurants to catch up and sustain their businesses financially during the effects of Covid-19. To his knowledge, there has been no discussion to make this permanent, or to indicate where these facilities would be located. Dr. Levitt said his understanding was the City Solicitor was looking into a temporary extension ordinance. He said there is no intent to make anything permanent at this point. It will be looked into in the future, but for now they are looking into a temporary extension of the original action by Council. Mr. Shippen asked if this is extended temporarily, is the Planning Board obligated to express an opinion. Mr. Fleishman answered no. City Council would introduce an ordinance to the Planning Board. Dr. Levitt added that there has been some discussion related to whether or not a restaurant has adequate space, and if the outdoor seating doesn't impede parking and pedestrian traffic, and whether or not the seating is in a safe spot. This is speculation at this time, but we might want to adopt an Ordinance to permit it. Mr. Fleishman said the Planning Board could also put forth a recommended Ordinance to City Council to consider. Dr. Levitt said the Secretary should schedule time for discussion in the future. Mayor Chau concluded by stating that we don't have a standard to protect the restaurant patrons as to barriers and safety and these were concerns of the previous Zoning Officer and the personal concerns of the citizens. Dr. Levitt agreed that the Ordinance would have to address the concerns of the citizens. Dr. Levitt turned the meeting over to Mr. Scharff.

Mr. Scharff introduced the application of Webster Property Management, LLC, Block 106, Lot 8, 207 Northfield Avenue. Mayor Chau said since this is a "D" variance application, he will not be allowed to participate or vote as an elected official. Mr. Fleishman asked the Secretary to read the voting members of the Zoning Board. There were: Mr. Scharff, Mr. Shippen, Mr. Roegiers, Chief Newman, Mr. Notaro, Mr. Carney, Mr. Reardon.

Mr. Charles Gemmel of Linwood was the attorney for the application of Webster Property Management, LLC consisting of Dr. Brett Foxman, Dr. Scott Foxman, and Dr. Thomas Margolis. He stated this is an application for a Minor Subdivision of Lot 8 currently owned by Northfield Methodist Church and consisting of a church and accessory uses. There is no additional church development proposed. They are also seeking approval to construct a 5,700-sf medical office facility to be used in connection with the facility down the street on the newly created 32,000-sf lot. The existing medical facility is Foxman Foxman Margolis & Associates Retinal & Ophthalmic Consultants. The proposed facility will have 36 parking spaces which exceeds the City Ordinance requirements, but they need a variance for a medical office since it is not permitted in the R-2 zone. Mr. Gemmel said Northfield Avenue contains a fair number of non-residential uses. Mr. Gemmel said proper notice had been completed.

Mr. Fleishman swore in Joseph Mohnack as the first witness. He is a professional engineer with the firm of Marc DeBlasio of Wildwood. His qualifications include professional engineer with the Wildwood Crest Zoning Board. Mr. Fleishman accepted his qualifications for the purposes of tonight's hearing.

Mr. Mohnack displayed Exhibit A-1 which showed the Minor Subdivision plan. He said the church will remain as it is along with all the existing improvements and he showed the proposed lot. Mr. Gemmel said this will be accomplished with a subdivision. Mr. Mohnack described the commercial uses on Northfield Avenue. He said there is a place of worship, namely Good Shepherd Methodist Church, there is a Chiropractor's office across the street from the church, there is a medical office next to the doctor's office, and there is a barber shop across the street from the medical office. Mr. Gemmel asked Mr. Mohnack to describe how the site is being developed such as parking, access, lighting, landscaping, etc. Mr. Mohnack displayed Exhibit A-2 which showed the proposed Site Plan. He pointed out the medical office parking lot with 36 spaces, two of which are handicapped spaces, the stormwater retention basin on site for both the medical facility and the church, landscaping around the building, and trees on site which meet or exceed the Ordinance. He said the lot is now an open grass field with no sidewalk. They intend to connect the existing sidewalk to the church sidewalk and all ramps will be ADA compliant.

Mr. Mohnack discussed the two "D" variances required. The church in the R-2 zone is a conditional use and by reducing the lot size of the church, the non-conformity triggers the need for a D3 variance since the lot area does not meet the 5-acre standard set forth in the Ordinance. The building does not meet the 50-ft. side yard setback. Another variance is for lot coverage where 45% is required and 49.1% is proposed. Mr. Gemmel asked for justifications for the variances. Mr. Mohnack said the church is on an undersized lot at 2-acres and this is a pre-existing non-conformity. By reducing the size of the lot, none of the features of the church are lost. The church currently uses the grass lot for overflow parking on the weekend, but the medical office has agreed to allow the church to use the proposed parking lot on the weekends when they have services. The medical office in the R-2 zone is not permitted. The justification is there are business uses on the block currently and multiple businesses along Northfield Avenue and it will fit with the character of the neighborhood. The variances are a D1 for the use and a D3 for the church lot.

Mr. Mohnack described the other "C" variances required for the Site Plan. A variance is required for buffering. A 15 ft. planted buffer is required and no plantings are proposed. He noted that the church currently operates smoothly and uses the grass lot for parking and there have been no objections. This is a pre-existing condition. There is a "C" variance required for the new lot for the freestanding sign. Freestanding signs are not permitted in the R-2 zone, but their sign is designed to meet all of the standards of the business district. A variance is required for parking closer than 50 ft. from a residential zone and they are proposing 20 ft. In the absence of a planted landscaped buffer, Mr. Mohnack said

they are proposing to construct a 6-ft. white vinyl privacy fence along the rear and side yards. They also need a variance for lot coverage where 45% is required and 49.1% is proposed. Mr. Mohnack said this is not a significant overage since they are providing the required number of parking spaces which will help alleviate congestion from parking on Northfield Avenue and the overage is accounted for in the stormwater storage basin.

Mr. Mohnack addressed positive criteria and said there are several prongs that are advanced by the application. He said under NJSA 40:55D-2A, the inherent nature of a church and medical office promotes the general welfare of the public. Under Section D, the church and the medical building do not conflict with the development of the neighboring communities. Under Section I, they are replacing an undeveloped lot with a new design which promotes a desirable visual environment. As to negative criteria, the variances can be granted without any detriment to the public good, zone plan, or the Zone Ordinance. The church and medical building uses are inherently beneficial and are designed to meet side yard and rear setbacks. They are providing fencing and lighting for safety and safe ingress and egress. To substantiate the second prong, the granting of the variances will not impair the intent of the zone plan or Zoning Ordinance. There are several other business uses on Northfield Avenue and it fits the neighborhood where it is proposed. Mr. Mohnack gave testimony for the lack of buffering for the residential uses in the rear and said they are providing a 6-ft. vinyl fence and the lighting will have guards for shielding. They will also agree and abide by all of the comments in Mr. Doran's report.

Mr. Mohnack discussed the 4 waivers. The first is the driveway width for Lot 8.01, the medical facility, where 30 ft. to 46 ft. is permitted and 25 ft. is proposed. This does meet RSIS standards for parking lots and they can safely provide ingress and egress and circulation. The second is the driveway width for Lot 8, the church, where 30 ft. to 46 ft. is permitted and 20 ft. is proposed. The width of the church driveway functions smoothly now as a one way. The third waiver is a waiver from providing an Environmental Impact Statement. There are no known environmentally sensitive species on the site, no wetlands on the site, and the site is not CAFRA regulated. The fourth waiver is for an onsite loading area. The owner has stated that they do not receive large deliveries and the driver can walk the goods inside.

Mr. Roegiers had a question about traffic flow. The medical office has a lot of volume, ingress, and egress. He would like to see a traffic study. Also, he questioned the positive criteria concerning the church using the parking lot on the weekends. As far as he knows, joint sharing of parking lots is not allowed in Northfield. He is just making an observation. Mr. Gemmel said a traffic analysis is not necessary for this application. Mr. Mohnack said the church is using the lot on the weekends now and it is the same traffic flow that exists now on the weekend. There won't be any change on the weekends. Mr. Carney asked about hours of operation. Carolyn Carita, Business Administrator for Retinal Ophthalmic Consultants and for Webster Property Management as well, was sworn in. She said hours are Monday to Friday from 9:00 a.m. to 5:00 p.m. with the exception of emergencies. She added that emergencies will be handled at the main office on Tilton Road and doctors are on call. This will be a Monday to Friday facility and they only do minor surgeries at their sites. Mr. Carney asked about the length of the patient visits. Ms. Carita said patients are on site for one to two hours.

Mr. Gemmel introduced Kevin Olandt and Mr. Fleishman swore him in. He is a project manager with Fenwick Architects in Linwood and he does not possess a NJ Architect License. Steven Fenwick is the principal architect, but could not attend this evening. He did not testify as an expert. He displayed Exhibit A-3 which showed a three-dimensional architect's rendering of the exterior of the new building. He has plans and elevation views as well. Mr. Olandt said it is a two-story structure with a canopy at the entrance. The building is 5,116 sf and will compliment the existing office across the street. The design

will give a campus feel to the two buildings. The freestanding signs will be matching. The building will be 29 ft. high where 30 ft. is permitted and it will have a sloped roof. Mr. Carney asked about the signage. Mr. Olandt said it is part of the site plan package. Mr. Fleishman labeled sheet 6 of the site plan package as Exhibit A-4. Mr. Olandt described the sign as 93 inches wide by 85 inches high with the address at the bottom. The name and numbers will also be on the building and they are not illuminated. The free-standing sign has footlights and is internally illuminated. Exhibit A-5 showed elevations and Exhibit A-6 showed the interior layout of the floor plan with the waiting room, staircase, and medical offices. The second floor will house the business offices for the providers and staff. There will also be an elevator.

There were no other witnesses. Mr. Scharff asked Mr. Doran to go over his engineer's report. Mr. Doran said he will discuss the minor subdivision first to keep them separate. The minor subdivision creates a D3 variance for the church since they do not have 5 acres as required and they will have less if subdivided. They are expanding the non-conformity. Mr. Fleishman stated there are two "D" variances. There is a deviation from the conditional use standard which is a D3 variance and a variance for the expansion of a non-conforming use which is a D2 variance. Mr. Doran described the "C" variances for the side setbacks, lot coverage, and the buffer.

Mr. Gemmel and Mr. Fleishman entered a discussion about the variances. Mr. Gemmel said the church itself is not a non-conforming use. The expansion is a conditional use that is being expanded. Mr. Fleishman said there is no difference. They did not agree on this. They did agree that the house of worship is a conditional use. Mr. Fleishman said you will be reducing the size of the lot and he insisted that it is a non-conforming lot. Mr. Gemmel said we are not dealing with a prohibited use and that it is a conditional use. Mr. Fleishman said that does not change the legal analysis. Mr. Mohnack said they testified to the D1 variance for the medical office and for the D3 for the church, but he did not testify for the D2 variance. Mr. Fleishman said we will hear Mr. Doran's report first and then he could testify further.

Mr. Fleishman said there is a D1 use variance associated with the site plan. Mr. Doran agreed and discussed the site plan. Mr. Doran listed the variances related to the site plan as:

1. A use variance since the use is not permitted in the zone
2. "C" variance for Total Coverage-45% maximum is permitted, 49.1% is proposed
3. No parking for a non-residential use shall be located closer than 50 ft. to a residential zone; 20 ft. is required
4. Buffer-a 15 ft. planted buffer is required, no plantings are proposed
5. Freestanding sign-no sign is permitted in the R-2 zone

Mr. Doran felt the Board should talk about the buffer variance due to the zone being residential. He said the freestanding sign setback is 12 ft. If they would agree to move it back to 15 ft., it would eliminate the setback variance. They agreed to do this. Mr. Doran agreed with the testimony as to the waivers. He informed the Board that if they felt there was a traffic issue, they are within their rights to ask for a traffic study. Mr. Doran said they provided testimony for the "C" and "D" variances and also for negative criteria. He said that is complete.

Mr. Doran discussed the technical items in his report. For the buffer, the plan shows a 20 ft. setback from the parking area, but the area is a proposed drainage swale and there is no room for plantings. This does not meet the criteria of a buffer due to lack of plantings and this needs to be discussed. They have supplied a grading plan with the site plan and they need a permit from Cape Atlantic Soil Conservation District prior to any clearing at the site. He agrees with the design waivers regarding the driveways at both the church and medical sites and the Board can request an Environmental Impact Statement if the

Board feels it is necessary. He commented on the sight easement that needs to be filed prior to the signing of the plan and it should be shown on the minor subdivision plan.

Mr. Doran discussed the Landscaping Plan and his comments in his report under #13. Mr. Fleishman asked Mr. Gemmel if he had any problem with complying with the landscaping details in Mr. Doran's report. Mr. Gemmel had no problems with this. Mr. Doran continued to read his report concerning the loading zone, parking layout, parking stalls, paving, curbing, ADA spaces, and applying to the Sewer Department for the connection fee. He commented on the sign that will be moved from a 12 ft. setback to a 15 ft. setback and the 10 ft. x 10 ft. trash and recycling area that is required to be a solid gated area. Mr. Doran said the designing engineer has provided a drainage plan and drain calculations and the technical details and requirements are in Mr. Doran's report. Mr. Doran said any new openings in the street will require a Road Opening Permit, stop sign details were discussed, all utilities are to be installed underground, he discussed approvals and the utility letter that need to be supplied prior to signing the final plan, and he mentioned the Inspection Escrow and Performance Guarantee will need to be provided.

Mr. Scharff asked for Board questions. Mr. Scharff thought there would be underground stormwater drainage. Mr. Doran said the new State laws require open swales. Mr. Scharff asked about electrical charging stations. Mr. Doran said it is not yet part of our Ordinance. Mr. Scharff thought it was mandated by the State for residential sites but not commercial. Mr. Notaro had questions about the beautiful Oak trees located on the lot. Mr. Mohnack said most are on the path of the proposed sidewalk. He added that there are a number of street trees required and they will be implemented and they are also providing the required landscaping around the perimeter of the building. Mr. Notaro had concerns about the cutting down of all the Oak trees. Mr. Shippen said they are either on the sidewalk area or the driveway area except for one that is on the property line. Mr. Shippen commenting on the lighting shields and said they are not indicated on the drawing. He asked what hours the lights will be on. Ms. Carita said the latest will be 6:00 p.m. and they will be on a timer. Mr. Mohnack said the lighting screens are not shown on the plan, but they will accept it as a condition of approval to be approved by Mr. Doran. Mr. Doran agreed with this and said it is in the letter. Mr. Fleishman asked the applicant if turning the lights off at 6:00 p.m. was cutting it too short. Mr. Shippen suggested 7:00 p.m. Ms. Carita agreed. Mr. Carney commented on the landscaping in the rear and suggested Arbor Vitae plantings along the back parking lot. Mr. Doran said there is a drainage swale across the back and there is very little room. This should be discussed and they may need to move the drainage. He said the Ordinance requires a double row of plantings and there is no way they will have room for that with the drainage swale and this problem needs a solution. Mr. Shippen felt the drainage was more important. Mr. Doran reminded that open swales are required and they can't be underground.

Mr. Scharff suggested opening the public session since there were many people present. He suggested a five-to-seven-minute time period per person. [Mr. Fleishman asked for a motion to move to the public session. Mr. Shippen made the motion and Mr. Reardon seconded. The voice vote was all in favor.](#)

The first resident to speak was Miriam Boudreau of 210 Infield Avenue, Block 106, Lot 13. She lives directly behind the proposed medical center and she said it is not an office. She pointed out her house on Exhibit A-1 on the subdivision plan and said that her home and several of her neighbors were not mentioned. They are surrounding properties. She said there are also two houses on Northfield Avenue that were not mentioned. She commented that the Barber Shop is actually a home with a business attached. The Chiropractor's Office is a home too. Directly across from the church is another residence. She said that where the parking lot will be is where her back yard is located. She will contend with a

dumpster and a swale and she has concerns about that. The church had to remove many of the trees on their lot due to climate changes and the Derecho and they illegally removed too many of the trees. There are only Oak trees on the perimeter and now they too are being removed. The whole property slopes downward and she has concerns with water runoff and all the water doesn't always go into the swale. She is worried about flooding in their basements. She has lived in her home for 25 years and there has never been water in her basement. The adjoining property will now be a hardscape and there is not enough land to properly drain the water. She is worried about mold. She said the fence will do nothing about noise pollution. Ms. Boudreau said the church lot is currently used Monday to Friday for the existing medical center that doesn't have enough parking. She said her and her neighbors have only had 10 days to digest this project. They wanted to bring an attorney to represent them, but the attorneys had other conflicts and commitments and they could not get someone on short notice. She said she came across something interesting in the minutes from a previous hearing involving Atlantic City Country Club. They were denied a lighted sign and one of the reasons the Board cited was they wanted to eliminate commercialization on an otherwise residential road. A campus-like medical center is not the right fit for this residential area. This is a neighborhood with children and pets. She said if the church needs to raise funds, they should sell it as a buildable lot for homes. She said there are only two buildable lots in Northfield. There is a housing shortage and they would have no trouble selling the lot for residential purposes.

James Lockerbie, an Egg Harbor Township resident and member of the church, was sworn in and spoke next. He has been a member of the church since he was eight years old and he was married there and his children were baptized there. He felt this was a great idea and told the story of his son, who is now with the Marine Corps., who was hit in the eye with a soccer ball when playing for the Atlantic County Soccer Team. These doctors repaired his eye. Their services help the community and they provide an excellent service. This is a long-standing business in the community and they will be able to continue to help people protect their vision. The new parking lot will help with the current problem of street parking.

Robert Petillo of 212 Infield Avenue, Block 106, Lot 14, was sworn in and spoke next. He lives next door to Miriam Boudreau and he loves the Northfield and the school. He also loved the beautiful wooded lot. There was a storm and many trees were damaged. They removed many of the trees. He asked the Board how they would feel if this was being proposed behind their house. He talked about the site plan which is surrounded by homes, and doesn't think the project is considerate to the neighbors. He doesn't want people looking into his yard. He felt the project was not well planned out. There will be problems with drainage, he doesn't like the dumpster location, and he doesn't want more trees taken down. He talked about the church that allows parking on their lot for a donation. The church rents the house on the corner, they have Zumba classes and Weight Watcher's classes, and other functions for income. Currently there is overflow parking on the street and on the church lot. They will be adding more patients and that will add more cars. Northfield has a wonderful school, the kids use the bike path, and this lot is one parcel from the bike path. He said no traffic plan was completed. He said people with eye problems will be driving in the area and he thinks that is a risk. There are opportunities to put this project in other areas. He thought that they might want to use this area because the lot is inexpensive. There are many locations on Tilton Road. He understands that it is a ratable and he talked about the Homes for All and Gurwicz projects. He said these doctors don't live in Northfield. He bought his house in 2002 and has put a lot into the home. He is upset about what this project will do to the value of his home. He asked the Board to consider the neighbors. He thinks there is a better place for the medical building. He had concerns that a few hundred more appointments will be added and he asked the Board to consider asking for the traffic plan.

Lisa Edwards of 208 Infield Avenue, Block 106, Lot 12, was sworn in next. She read a prepared letter that stated her husband is the Scoutmaster of Troop 72 and her sons are Eagle Scouts and their projects have benefited Northfield. She has been involved with the school and is a former Cubmaster. They are against granting any variances to change the lot next to Good Shepherd Church from a residential property in the R-2 zone to a commercial property and allowing them to build a two-story medical office building. They own the property right behind the proposed office building. Foxman, Foxman & Margolis already do not have sufficient parking at their current office next to Tilton Market. They are currently using the parking lot every day. She said they did not sign up for that when they purchased the home 30 years ago and certainly never thought they would cut down almost all of the trees on the beautiful forested lot next to the church. But now this adds insult to injury that they are trying to buy the lot from the church and build a huge building without the correct setbacks, a drainage retention pond right at our property line, a dumpster at the back edge of the property, insufficient parking, and the parking they have allowed for will be right near the back of our property. She said they have concerns with the proximity to routes children travel to school and the increased traffic. Mrs. Edwards said according to the plans, the driveways will take out at least 13 parking spaces that are currently being used by the church/office employees. She said she took a ride through the doctor's office parking lot, down Northfield Avenue, and through the church lot, and the doctor's office had 24 cars parked there, the street had 5 cars, and the church lot had 35 cars. She felt it is entirely too busy for a residential neighborhood. She asked for the Board to support the neighbors as if this was their own neighborhood and to vote against the variances. She submitted photographs she took on her ride on Friday between lunchtime and 3:00 p.m.

The next resident to speak was Don Edwards, also of 208 Infield Avenue, Block 106, Lot 12. He was sworn in. He said he was born and raised here and has lived in Northfield for 55 years. He is good friends with the church and was baptized there. The church is doing this because they need the money. The doctors need parking and they have been using the lot for 10 years. Mr. Edwards said he read the minutes from a meeting for the old House and Garden site. The pharmacy around the corner outgrew their parking lot. The minutes state the Board did not allow the pharmacy to rent spaces from House & Garden. Mr. Edwards said some of the same people on the Board today were on the Board then. Mr. Edwards talked about the Chiropractor's office. He said there is only one doctor there and no parking. Northfield Avenue was made two-hour parking years ago. He said he bought his house 30 years ago and built an addition. He came to the City with his plans and was told he had to do a number of things to make it conform and he did. He didn't ask for variances. He is worried about rainwater on his back property. He said there is so much commercial property available on Tilton Road. Mr. Edwards said they made this deal in 2020 and the neighbors have only had 10 days to defend this. He said if the Board allows this, they should allow it in any neighborhood in the City. He said it doesn't make sense to put such a big building here for one company to prosper. There are more than three doctors working there and they have outgrown the building and want to expand to a small, non-conforming lot. He thinks they should sell the lot and build two houses. He said the project will ruin the residential property values.

Michael Camac of 201 Infield Avenue, Block 107, Lot 21 spoke next and was sworn in. He said he is in support of the neighbors and all that has been said is true. He has lived here for 20 years and his wife has lived her whole life of 46 years in Northfield. As to the traffic plan, he said they are already inundated with cars. This project will bring more traffic to an area that is already difficult to navigate. This will bring more people from out of the area to add to the traffic problem. People use Northfield Avenue when Tilton Road is backed up. There are frequent accidents at the area of Zion Road and the bike path. He has seen cars driving down the bike path. The cars speed as well. He spoke about the trees



and accepted the removal due to the Derecho, but the trees were never replanted. They don't have room to add Arbor Vitae for buffering. This project is not fair to Northfield and the neighbors.

Christine Thompson of 1403 Wabash Avenue, Block 97, Lot 4 was sworn in and spoke next. She described the back of her property being situated facing the church and vacant lot. She opposes this construction because the building will be over three times the size of the homes in the neighborhood and will dominate the view. Currently they enjoy the view of the beautiful Oak trees. She said this will create a foothold in the neighborhood for existing businesses to expand or for other commercial businesses to come in. This will increase traffic on the side streets and in the neighborhood where families and children live, play, and ride bikes to school. Mrs. Thompson said the lot is more suitable for private homes.

Patricia Leeds of 1216 Parker Avenue, Block 108, Lot 44 was sworn in. Mrs. Leeds said Parker Avenue intersects with Infield Avenue and she sees the comings and goings of employees and agrees with the neighbors. She is upset about the tree situation. She asked that the Board consider that more employees will have to be hired and the parking situation will get worse with the expansion. She is opposed to this project.

Michael Turon of 1904 Merritt Drive, Block 85, Lot 19.02, was sworn in next. He said he had the pleasure of serving with the Board in the past. He reminded the Board that when voting on a "D" variance, the approval goes with the property, not the business. This company could sell to another business which could have a greater impact and they could change the hours and pretty much any aspect of the business. This lot could possibly be two residential lots and in his opinion, it should be that way.

Dr. Thom Margolis, one of the owners of Foxman, Foxman Margolis, was sworn in. He clarified about the traffic and why they want to do this project. This building is being designed to be a one doctor building. In the current location, they have two or three doctors. Friday mornings are busier. They have 4 Retinal Specialists, 1 Glaucoma Specialist, 1 Cornea Specialist, and 1 Oculoplastic Specialist. The new building is designed and envisioned for the subspecialists who may work one day a week or on certain days of the week or one day per month. This will be decompressing the original office. No additional patients will be seen. They will be moving one doctor to the other office. There will be no additional traffic generated. Typically, the doctor will see 30 to 60 patients per day. There will never be 200 patients seen in a day. There will be employees in the new office that will park at this new location which will alleviate street parking. They will be moving the doctor and also moving the employees. They will not increase the traffic pattern and there will not be hundreds of patients.

Mr. Shippen asked how many employees in total will be in the building. Dr. Margolis said with 1 doctor, there will be about 10 employees and maybe 1 or 2 billing employees. Lisa Edwards asked how many people in total would be parking at the new lot. Dr. Margolis said he couldn't give her an exact number. Ms. Carita said they utilize 24 parking spots at the church now. Mr. Fleishman asked her if they had a lease agreement. Ms. Carita said they have been making a donation and there is no written agreement. She added they may still have to use their lot for some parking, but they are trying to alleviate this. Some of the employees will park in the new lot. Mr. Fleishman asked Mr. Doran if the Ordinance differentiates for employees. Mr. Doran said that some types of business parking would, but medical would not. Mr. Shippen asked if there would be an increase in the total number of employees. Ms. Carita said maybe 5 to 6 more employees. Mr. Scharff said he remembered the original approval for the expansion of the existing office on Tilton Road and he remembers referencing parking at the church during the application 25 years ago. Mr. Gemmel said that is correct. It was in 1999 and they received a

variance for parking and there was a recognition in the D&R about overflow parking due to an arrangement they had with the church. Mr. Fleishman asked if they have considered a formal arrangement with the church. Mr. Fleishman and Mr. Scharff agreed that the parking issue seems to be a matter of timing. Ms. Carita said she is not aware of a formal agreement. Dr. Brett Foxman said they were obligated to find one extra space in 1999 since the street was available for parking. The building was approved with street parking being allowed. The rules for parking changed after the approval and the street was assigned to 2-hr. parking. This would not work for employees that work for 8 hours and they therefore had to park in the church lot. Mr. Shippen asked what would happen if the church decides they don't want them to park there any longer. Mr. Fleishman said without an agreement they wouldn't be able to continue to do so. Maybe a representative from the church could address this since parking is an issue. Mr. Scharff said they have enough parking in the new area. The one parking spot they are short at the old site could move to the new and they would still have on spare parking stall. Mr. Fleishman reminded that there is no parking variance needed for this application.

Ms. Evelyn Caterson, the attorney for the church, addressed the Board and was sworn in and said she has been Counsel for Good Shepherd Church for 20 years. She has papers back to 2005 and there have been communication and conversations, but there is no formal lease for a parking agreement. She has a draft contract for sale as the doctors wanted to buy the lot for a parking lot. It was never perfected or signed. There has been constant communication through the years and the church is a good neighbor. Parking has been allowed. The church is no longer just for Sunday mornings and weddings. The church serves the community 24/7. There is a valid contract for sale drawn up in August 2020. Churches change and Pastors change, but there is a valid contract and they are abiding by that signed agreement. Volunteers and Boards of Trustees also change. There is nothing nefarious happening to the church by this contract of 2020. It is a valid contract in every sense of the word.

Mr. Don Edwards asked if the signed contract concerned the lot or the building. Ms. Caterson said the building. He said they had been told for 3 years that the doctor's office wanted to buy it to build a parking lot. He said he is upset that they could not bring their own lawyers and the applicant had 2 and ½ years to consider this. Mr. Scharff said that is not for the Board to consider and Mr. Fleishman said it is not a legal consideration for the Board to determine or take into account. Mrs. Linda Edwards said Mr. Scharff said something about the timing of the parking lot. She said she is a homemaker and home most of the time and there is an overlap. The timing is not perfect. The church has other functions such as Zumba, AA meetings, etc. and it is not as perfect as it seems. A female member of the public (it may have been Ms. Miriam Boudreau) commented from her seat that neither side of the street is all commercial and she understands the business has grown and that is a good thing, but things can change.

Mr. Scharff said all we have to consider is what is said today during testimony and the statements that were brought to this meeting. Mr. Scharff closed the public session both in-person and on Zoom chat as there was no one else who wished to speak. He added that once we close the public session, it is closed. Mr. Fleishman added that any additional questions or comments are not testimony.

Mr. Shippen asked Mr. Doran if he felt the retention pond would handle the water. Mr. Doran said other than technicalities, it is adequate to meet State design standards for volume.

Mr. Fleishman asked for a motion to close the public session and Mr. Shippen made the motion and Mr. Carney seconded the motion. The Board was all in favor.

Mr. Scharff called for a 5-minute recess at 9:11 p.m.

The meeting resumed at 9:22 p.m. The applicant and Mr. Gemmel were conferring. At 9:23 p.m. Mr. Gemmel addressed the Board and asked for a continuance until the next meeting. He said they can't solve all the problems tonight and they want some time to find solutions as they want this approval. Mr. Fleishman asked if he was looking for the April or May meeting. Mr. Gemmel wanted to return for the April meeting and he said you will hear from us and this announcement will serve as noticing and advertising. Mr. Fleishman said the next meeting is April 7, 2022 and will include additional testimony, an additional public portion, and cross examination. The Secretary informed the Board that there is already another application on the agenda for the April meeting and that applicant should be heard first. Mr. Fleishman explained that the continuance was to avoid Race Judicata, meaning the matter is decided.

Mayor Chau posed a question to Mr. Fleishman. He said he has heard complaints about a property that has been sold to an individual or group that will operate the home as a halfway house. Due to the location in the neighborhood, the residents are upset. It was his understanding that the City has no say if the State buys it and it is State mandated. The Mayor asked if there was a statute that limits them or gives power to the Board that can limit them or any other future purchase. Mr. Scharff said he believes there are statutes that prohibit discrimination against halfway houses. The Mayor's concerns were with location, limited parking, buffering, and types of halfway houses. He gave an example that there was one such home located across from the Community School. There were no problems, but residents were concerned. He asked Mr. Fleishman to research this. Mr. Fleishman asked if Mayor Chau had spoken with Mr. Facenda concerning this. He said he has not. Mr. Shippen said he is a former owner of one of these houses, and there is virtually nothing a municipality can do to prevent or regulate. Mayor Chau said he has concerns that there may be changes to the law.

Mr. Scharff asked for a motion to close the meeting. Mr. Shippen made the Motion and Mr. Roegiers seconded the motion. Mr. Scharff closed the meeting at 9:35 p.m.

Respectfully submitted,

***Robin Atlas***

Robin Atlas, Secretary to the Board