

City of Northfield Planning Board
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April 7, 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 March 29, 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, April 7, 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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Meeting ID: 811 1462 6845

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The meeting was opened by Chairman Richard Levitt who was present on Zoom at 7:04 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

Joseph Dooley

Dr. Richard Levitt

Chief Paul Newman

Henry Notaro

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

Mr. Fleishman said the Board has a matter that was carried over from last month, Webster Property Management, LLC, impacting 207 Northfield Avenue, and the continuance was requested by the attorney for the applicant. Mr. Gemmel is present and will request a postponement to the May 5, 2022 meeting and there will be no further notice given. Mr. Gemmel said he represents Webster Property Management and he agreed with Mr. Fleishman's comments and said they will waive any time restraints for the Board to act on the matter. Mr. Fleishman said the applicant has the right to request a postponement and said if a request is made for further postponement, the Board will have to discuss whether further noticing is necessary.

A member of the public addressed the Board with a question. He said he has a property at 1221 Fuae Avenue for 42 years and he wanted to know who Mr. Gemmel represents. Mr. Fleishman said he represents the medical group that was heard at the March meeting, Drs.' Foxman and Margolis. Mr. Fleishman advised that he come back on May 5th which will be an open public meeting.

There was one application on the agenda for Rise City Church, for Block 33 Lot 61, located at 1915 New Road for a "D" Use variance, "C" variances and a waiver of site plan. The attorney representing the applicants was delayed by travel so the Board took care of some other business while waiting for her arrival. Mr. Fleishman said Rise City is a corporation and must be represented by counsel at a formal proceeding under MLUL. Jen Daugherty, a Pastor and one of the principals, was sworn in by Dr. Levitt.

The Board approved the minutes for the January, February, and March meetings by voice vote.

Dr. Levitt spoke about the Tree Ordinance. Trees greater than 12 inches are specimen trees. Trees between 8 and 12 inches can be removed, but only two per year. There is a question in the wording of the Ordinance about whether or not residents need to come before the Board in order to do this. The City Clerk, Mary Canesi, said the Ordinance is not clear about this procedure and what is enforceable. He asked everyone to look at the Ordinance and come up with recommendations to clean up the Ordinance and to make a recommendation to City Council. Mr. Brophy referred to the 36-inch tree on Yorkshire Avenue that Dr. Levitt said was cut down and questioned whether or not they would need a permit. Dr. Levitt said that is part of the issue. The tree was on City property, but the homeowner is responsible for the maintenance and they also have a liability. Mr. Shippen asked how a homeowner could be responsible for something that was not one their property. Dr. Levitt said the homeowner probably planted it. Mr. Shippen said that would not apply to a three-foot tree. Mr. Dooley said the City owned area would refer to the grass area between the sidewalk and curb. Mr. Brophy said if it is a threat to your house, you should be able to cut it down. Dr. Levitt agreed and said this applies to diseased trees as

well. Mr. Fleishman said specific issues related to enforcement should not be debated at a public meeting. The Board is not an enforcement entity. The Board can look at and re-visit the Ordinance in committee. Dr. Levitt suggested that himself and Mr. Scharff will review the Ordinance since they wrote it. Mr. Scharff commented that the language problems arose when the Ordinance was codified.

The attorney for Rise City arrived at City Hall and the hearing for the application resumed. Dr. Levitt swore in Eldon Stoltzfus, their architect, who appeared on Zoom. He also swore in Ronald Daugherty, the other Pastor and principal for Rise City, and John Eisele, the owner of the property. The attorney was Judith Amorsky from Jackson, NJ. She distributed photographs of the site to the Board members. She said the application is for a change of use and the property is zoned commercial and the church would be an inherently beneficial use and she asked the Daugherty's to explain what they want to do.

Mrs. Daugherty said Rise City Church was started online in 2019 just before the pandemic. Previously they were in person for a year in Pleasantville in a school gymnasium, but with Covid 19 they were unable to continue meeting there and they went online for a period of two years. They have grown as a family and are looking forward to meeting in person again. The first and third Sundays of the month are similar to typical services where they worship, contemplate The Word, and they have a children's ministry. They have as many children as adults. The Daugherty's have five children of their own and there are presently 25 adults and 25 children in the church. The 2nd and 4th Sundays are unconventional. They are 'Serve' Sundays and they put what they do and preach into practice. They serve the community with foster care bags, boxes of hope containing non-perishable food items, and literature that they deliver to doorsteps. They distributed 150 of them during the pandemic. Her list was long and her intention was to give a picture of what they do in the church. Mrs. Daugherty said the kid's ministry is thriving. The children attend the services for the song portion and then they are dismissed to go to their class area for appropriate ministry for them.

Dr. Levitt asked what portion of the building they would be occupying. Mrs. Daugherty said the first floor. Dr. Levitt asked if the seats were removable. Mrs. Daugherty said they are not installing permanent pews. Dr. Levitt asked about events. Mrs. Daugherty said they will remove the chairs for events. She testified that they would not be renting their space for weddings. Mr. Brophy asked if they would be involved in recreational sports such as basketball. Mrs. Daugherty said they would not be doing recreational basketball, but they would be involved in activities that would benefit the kids.

Dr. Levitt asked about parking. Ms. Amorsky referred to the aerial photo and said they have spoken to the two neighbors at 1907-1909 New Road, the Antebi medical building on the corner, and 1921 New Road which is Certified Dermatology. They have both agreed to allow overflow parking. The Antebi site has 80 available parking spaces. There is also a walkway available. Mr. Brophy asked where the new VA Hospital building would fit in. Mr. Fleishman said that is further to the south at the site of Tilt-in Windows. Ms. Amorsky said with this parking available, they will have more than enough parking. Dr. Levitt asked if they have anything in writing. They testified that they are obtaining that. Chief Newman said the Ordinance doesn't allow it. Dr. Levitt said it can be handled with a variance. Ms. Amorsky said they will only need the parking on Sunday mornings. The second floor is used by a Call Center and they operate the business Monday to Friday and are not open on weekends. Dr. Levitt asked Mr. Eisele how

many employees the Call Center has. He said two employees. Mr. Fleishman said the services are on Sundays, but asked about classes during the week or at night and also asked about adult education. Mrs. Daugherty said they don't have the manpower for that; maybe in the future that would be an attainable dream. The hours for services are 10:00 a.m., but that is not set in stone. The services last an hour and 20 minutes. Dr. Levitt asked about the K-5 nursery and asked if there would be a day care during the week and also what is the purpose of this area. Mrs. Daugherty said it is for Sunday mornings only. Two volunteers will stay with the children and they receive Christian services at their level.

Mr. Dooley asked if there was a contingency in place should the adjacent businesses allowing parking on their properties were to be sold. He also asked how long the lease was for. Ms. Amorsky said their lease is for three years and it would be a good idea to have a contingency in place. Mr. Fleishman suggested they have a clause in the lease making it binding on successors and assigns if they would be willing to do that. He added that they will only be needing the parking on Sunday which would not be competing with the work week and the parking use seems reasonable and consistent with the surrounding businesses. Dr. Levitt added that Beth El Synagogue had an arrangement with House and Garden to use their parking lot during holidays and special occasions. Mr. Doran read the Ordinance referring to the use of adjacent parking and it does allow for half of the spaces to be used by churches and similar businesses at night or on Sundays offsite. Calculations are based on the assumption of uses. Mr. Fleishman discussed the parking numbers. He said they need 96 spaces and 47 have to be on site. The other half can be provided from the adjoining property owners. They will still need a variance for parking, but will need it for a smaller number of parking spaces. Mr. Roegiers suggested they obtain something in writing. Mr. Fleishman said a written document describing the parking agreement can be a condition of approval. Ms. Amorsky said they are working on that. Mr. Doran described the parking calculation as written in his report. The first floor requires 64 total spaces. The second floor requires 24 spaces if used as a professional office and 32 spaces if utilized as medical. This would be a total of 96 spaces. The site contains 30 spaces onsite and a variance is required. Mr. Carney asked about signage. Mrs. Daugherty said they will add their sign to the existing freestanding sign and will not increase the signage. Ms. Amorsky said they will add their name to the slot sign. Mrs. Daugherty said the owners are currently renovating the outside of the building and they will not be putting any signage on the building. Dr. Levitt asked about LED signage. Mrs. Daugherty said they will not be using any LED signage.

Mr. Doran referred to his letter and said that the two big issues are the Use and "C" Variances. They covered the positive criteria by stating that the church is a beneficial use, but he would like to see negative criteria testimony. All of the "C" variances are existing, but need to be addressed since the church is not a permitted use or a conditional use in the OP zone. Dr. Levitt said churches are permitted in the other zones, even residential zones, and he asked the secretary to make a note of it for the Master Plan review.

Mr. Dooley commented that he believes they want their church to grow and asked about their future plans. Mrs. Daugherty said she loves that Mr. Dooley thinks the church will grow and they have a long-term vision of that happening. They would like to have multiple locations in different cities. They are not interested in having one big church. They want to have locations in areas where most of their congregation are located. Mr. Brophy asked why they chose Northfield. Mrs. Daugherty said they prayed

a lot about it and they felt this was the right place. Mr. Roegiers asked what religion they follow and Mrs. Daugherty said Assemblies of God.

Mr. Doran continued by saying that there are typical site plan issues with the trash enclosure and curbing. Dr. Levitt asked the owner about the trash. Mr. Eisele said there is a shared trash dumpster. Mr. Doran brought up another issue with the parking spaces. Some of them are across the property line, but they have been there for a long time. It is a shared parking lot with the neighbors. Mr. Shippen asked Mr. Doran if those spaces were moved back so they didn't encroach, would they conform. Mr. Doran said probably not and would only make a difference of about 5 ft. It would be less of an issue with a small turnover, but it can be a problem when a lot of people are coming and going. Ms. Amorsky said she spoke with the owner's brother who said he was surprised about the variances and he was unaware they existed. The commercial building was built in 1962 and they have been operating it commercially since then. Dr. Levitt felt it was *de minimis*. If a future neighbor puts in curb stops, the parking spaces would have to be moved. Mr. Fleishman asked Mr. Eisele if the neighbor ever complained about encroachment. He answered no. Ms. Amorsky addressed the encroaching trash enclosure mentioned in Mr. Doran's report. She said that does not belong to Mr. Eisele; it belongs to a neighbor. The movable trash dumpster is the one they use. Dr. Levitt said there weren't Planning Board hearings like this in 1962 and it was much less formal back then. Dr. Levitt asked the Board if they had any questions for the architect on Zoom. Dr. Levitt noted that the owners are making cosmetic changes to the building and the applicant is not involved with that. He noted that the internal layout is straightforward and no one had any questions relating to the layout for the architect. Dr. Levitt asked about ingress and egress to the building. Mrs. Daugherty said originally there were three units, but they are requesting the entire first floor. There is a door leading to the café area, an entrance next to the parking lot, and an emergency exit at the kid's area. The stairs for the second floor are from the parking lot entrance. She said there is a walkway in front that leads to the front door and to the café area. Church-goers would enter by the café area.

Dr. Levitt asked Mr. Doran to read his report. He said the existing non-conforming "C" variances are as follows:

Floor Area Ratio-.25 is permitted; .587 is existing

Buffer-15 ft. is required; 0 is existing

Building Height-25 ft. is permitted; the height was not provided

Parking-to allow parking between the building and the Right-Of-Way

Parking Setbacks to building; 0 is existing

Number of Spaces-96 spaces are required; 30 are proposed on site

They require a "D" variance for a use not permitted in the zone and they need to address negative criteria.

Mr. Eisele said the curbs and sidewalks were done by the state and there are no proposed changes. Mr. Doran said he did not recommend any trees and the Board can waive the loading zone. Mr. Doran and Mr. Fleishman discussed the parking. Mr. Doran said the Ordinance allows for half of the parking to be

off site. They require 96 spaces and with 48 off site, and 30 on site, they would need a variance for 18 spaces with the condition of approval for the production of the parking agreement. Mr. Doran commented that the trash enclosure and signage were already discussed. Ms. Amorsky said the architectural plan shows 131 seats in the sanctuary, but initially they will need 50 seats and the children will vacate the seats and proceed to their own area at the appropriate time. Mr. Fleishman said the variance application is not as drastic as initially contemplated. Ms. Daugherty asked what the maximum number of seats allowed would be. Mr. Fleishman said approval tonight is based on the application submitted and the items discussed and Mr. Doran based the parking in his report on 131 seats with the condition that they must show the agreement for offsite parking. Mrs. Daugherty said she just received a text from the neighbor who apologized for not signing the agreement prior to the hearing. Mr. Roegiers asked for clarification that the Board would be approving the church to use a neighboring parking lot and Dr. Antebi would have to provide written proof. Mr. Fleishman said they can't use the parking until all conditions are met. Chief Newman said the testimony is all based on Sunday use. Dr. Levitt said if parking overflowed on a Wednesday morning, that would be a zoning violation and they would have to come back before the Board. Mr. Fleishman suggested adding a condition. Dr. Levitt said it is standard that if conditions and assumptions change, they would no longer be in compliance. Mr. Fleishman added that what was stated is part of the record. Dr. Levitt added that it should also be part of the resolution. Mr. Dooley asked if subleasing was allowed. Ms. Amorsky said they have no interest in doing that and it is not in their lease. Chief Newman gave an example of allowing an AA meeting during the week. Mr. Fleishman stated that Dr. Levitt suggested that they consider the principal use to be Sunday. If the principal use should expand significantly beyond that and affects the parking and there are complaints, the adjacent parking owners need protection from that. Dr. Levitt suggested that the resolution reflect that the bulk of the parking is on Sundays and if there are changes to that, they must come back before the Board for further approvals. Ms. Amorsky suggested that 'significantly' is too objective. Mr. Fleishman agreed and said if an ancillary use should exceed the parking requirement, they would return to the Board. Mr. Fleishman asked Chief Newman if there was any type of permitting for special occasions. The Chief said there is no process for this type of permit, but he did recall that when the Veterans were having a special event, he suggested they call the NCS Superintendent for permission for a temporary use to park at the school after hours.

Mr. Fleishman asked the applicant to address negative criteria. Ms. Amorsky said there is no detriment to the Zoning plan and the Zoning Ordinance. The church will operate only on Sunday and it will not be overcrowded, the site is already in a business area and will not affect residential areas. There is no negative aspect due to the parking.

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

Mr. Scharff made the motion for the "D" use variance and Mr. Shippen seconded the motion.

The roll call vote was as follows:

Mr. Dooley-yes

Chief Newman-yes

Mr. Roegiers-yes
Mr. Rose-yes
Mr. Scharff-yes
Mr. Shippen-yes
Chairman Levitt-yes
The motion carries.

The second vote was for the "C" Variances and Mr. Doran summarized them:

Floor Area Ratio - .25 is permitted; .587 is existing

Buffer-15 ft. is permitted, 0 is existing

Building Height-25 ft. is permitted, Height was not provided

Parking-96 spaces are required, 48 spaces will be provided offsite, a variance for 18 spaces is required

Parking setbacks to building-0 is existing

Waiver of Site Plan

Design waiver of no loading zone required

Conditions-parking- the agreement in writing will be provided, if an ancillary use on a continued basis exceeds the parking, they will return to the Board, there will be no digital signage

Dr. Levitt asked about Floor Area Ratio and questioned when the approval goes from a "C" variance to a "D" variance. Mr. Doran and Mr. Fleishman agreed that the Floor Area Ratio is existing and they are not increasing it, so it is therefore a "C" variance

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

The roll call vote was as follows:

Mr. Dooley-yes
Chief Newman-yes
Mr. Roegiers-yes
Mr. Rose-yes
Mr. Scharff-yes
Mr. Shippen-yes
Chairman Levitt-yes
The motion carries.

Dr. Levitt reminded the voting members of the Zoning Board who heard the initial hearing of the Webster Application (Mr. Scharff, Mr. Shippen, Mr. Roegiers, Chief Newman, Mr. Notaro, Mr. Carney, Mr. Reardon) to be in attendance for the next meeting, and if you cannot, please let the Secretary know with enough time to have one of the absent members (Mr. Dooley, Mr. Brophy) listen to the recording of the meeting so they can fill in to vote. Seven voters are needed.

Dr. Levitt closed the meeting at 8:20 p.m. with a motion from Mr. Roegiers and a second from Mr. Scharff.

Respectfully submitted,

Robin Atlas

Robin Atlas, Secretary to the Board