

**City of Northfield Planning Board**  
**1600 Shore Road**  
**Northfield, New Jersey 08225**  
**Telephone (609) 641-2832, ext. 127**  
**Fax (609) 646-7175**

May 5, 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 April 25, 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, May 5, 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.

Join Zoom Meeting

<https://us02web.zoom.us/j/88906858682?pwd=K25ZcW5NOW9jSnpZdFQrMFVlTmdVdz09>

Meeting ID: 889 0685 8682

Passcode: 368185

One tap mobile

+16465588656,,88906858682# US (New York)

Dial by your location

+1 646 558 8656 US (New York)

Meeting ID: 889 0685 8682

Find your local number: <https://us02web.zoom.us/j/kcKcDasoZ4>

The meeting was opened by Chairman Richard Levitt at 7:00 p.m. with the reading of the Sunshine Law and the roll call with the following members present or absent as noted:

Peter Brophy

Mayor Erland Chau-absent

Joseph Dooley

Dr. Richard Levitt

Chief Paul Newman

Henry Notaro

Dan Reardon

Ron Roegiers-absent  
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 announced that the Webster Property Management, LLC application which was to be continued this evening from the April 7, 2022 meeting will be continued to the July 7, 2022 meeting with no additional noticing being necessary. Mr. Brophy asked about the approval of minutes for the April 7, 2022 meeting which was on the agenda. The secretary informed the Board that the minutes still need to be edited and will be ready for approval at the June 2, 2022 meeting.

There was one application on the agenda from Arichabala Orellana, Block 109, Lots 28,29,30,31, at 420 Mt. Vernon Avenue for "C" Variances for an accessory building in the R-3 Zone. Kishor Ghelani, PE was present along with a co-worker Bhupener Patel. The firm is Galloway Builders and Mr. Ghelani prepared the plans. Dr. Levitt swore them in along with Arichabala Orellana, the applicant. Mr. Kishor stated that the site is in the R-3 zone and the application is for an accessory building that does not conform in height. He said 12 ft. is allowed and 24.17 ft. is existing. There is also a variance for total lot coverage where 50% is allowed and 73% is existing. There is also an existing non-conformity concerning the front setback of the house where 25 ft. is required and 22.6 ft. is existing. Dr. Levitt did not think the Board needs to consider the setback non-conformity. Mr. Fleishman agreed and said they are not expanding the house. The Board will consider the two "C" variances for Lot coverage and accessory structure height.

Dr. Levitt said he drove by the property and the driveway has already been paved with concrete and this is what is creating the lot coverage of 73% where only 50% is permitted. Dr. Levitt asked when it was paved. Mr. Ghelani said it was paved when he first saw it and they still need to finish the driveway. They need to do more concrete work, and when it is complete, the lot coverage will be 73%. Dr. Levitt again asked when it was poured. Mr. Orellana said three months ago. Dr. Levitt said that it was done without a permit. Mr. Orellana said he was told he didn't need a permit. Mr. Patel said the City said he did not need a permit. Dr. Levitt asked if they had shown the City a plan of the paving. Mr. Shippen asked who it was that said this. Mr. Orellana said he went to the City twice and was told by the secretary in the front that he didn't need a permit for concrete; only for the driveway. Mr. Orellana commented that Mr. Ghelani drew up the plan afterwards. Dr. Levitt commented that the secretary would have had no way to determine lot coverage since the concrete was already poured and the Engineer's report stating that lot coverage has exceeded the maximum was compiled after the Engineer visited site and after the concrete was already poured. Dr. Levitt was also not sure that he would not have needed a permit to pour concrete. He added that you cannot exceed the amount of lot coverage permitted and the impervious surface can only be 50%. There is a reason why we have maximum lot coverage which control the effects of runoff and drainage. When there is too much concrete, it is not known where the water is going and where it is draining. This is a residential area which does not require a stormwater

plan as commercial applications do, but that is also why it is limited to 50%. Dr. Levitt asked Mr. Orellana why he needed that much concrete. He noted that the applicant has two paved driveways. Mr. Orellana said he has a permit for the second driveway and the copy is at his house. He said that it says it can be paved and it was signed by a man in the Building Department. Mr. Brophy suggested there may be a misunderstanding with the word 'paved'. Dr. Levitt asked Mr. Orellana if the permit says you can pour concrete on the driveway. Mr. Orellana said yes and that it says no more than 17 ft. Dr. Levitt thought that the Building Department may not have known that the applicant paved all the way around the house in the back. Dr. Levitt asked if the permit allows that. Mr. Orellana said it does not say that. Dr. Levitt said that is the problem. You don't have a permit for excessive lot coverage. That would have necessitated you coming before the Board for approval before going ahead since it is not permitted by Ordinance. Dr. Levitt said you may have a permit for a driveway, but you do not have a permit for concrete that exceeds 50% of lot coverage. That would require a variance from the Board. Dr. Levitt asked why Mr. Orellana needs all the concrete in the back. Mr. Orellana said he needs it for his car.

Dr. Levitt said before moving on to the accessory building, he asked the Board for questions to be sure everyone understands what has been done. Mr. Brophy wanted clarification about the pavers and when they were installed. Dr. Levitt asked Mr. Orellana if he added the pavers. He said no. Mr. Doran reminded that Mr. Ghelani said all the concrete is not in yet. Mr. Ghelani said he finished it recently before the stop work order. Mr. Doran asked if all of it was installed. Mr. Ghelani said when he finishes the driveway in front, the lot coverage will be 73%. Dr. Levitt confirmed that the driveway from the street to the garage has not yet been paved. Mr. Shippen said it would be pertinent to know what the permit says. Dr. Levitt agreed. Dr. Levitt asked Mr. Ghelani what the existing coverage percentage is from the street to the accessory building. Mr. Ghelani said he didn't figure that out. Mr. Ghelani suggested stones for the unpaved section. Mr. Ghelani said they can reduce 1500 sf of coverage if they do no more concrete. He said this is on the right side of the house. Dr. Levitt said the Board needs to have exact numbers. Mr. Ghelani said they could reduce 1600 sf of coverage. Mr. Doran said that would be 11% less and the lot coverage would still be too much at 62%. Dr. Levitt agreed and said they would still need a variance. Mr. Fleishman said the percentage would be 12% less. Mr. Dooley asked if they would consider a stone driveway. Mr. Ghelani spoke to Mr. Orellana and told the Board he needs the driveway for his cars. Mr. Ghelani suggested to him that he has to give in somewhere. **Dr. Levitt suggested adding stones instead of concrete and said stone permits water to permeate through and does not create runoff.** Mr. Orellana said his neighbors are 20 ft. away and he does not understand why this would affect them.

Dr. Levitt said the Board needs to see what type of permit Mr. Orellana has at home and he suggested a recess. Mr. Fleishman asked Mr. Orellana if the permit has a sketch or a plan attached. Mr. Shippen asked if there was a plan showing how much concrete he was going to lay. Mr. Orellana said he did not understand. Dr. Levitt told him that the permit doesn't allow you to put in as much concrete as you want. Mr. Orellana said it was not his fault and he was told he didn't need a permit for concrete. Dr. Levitt said there is documentation that the Board doesn't have and there was difficulty with the language barrier. He suggested coming back with someone who can interpret so that Mr. Orellana fully understands the issues. Dr. Levitt said there needs to be a lot more discussion concerning the structure.

Mr. Doran said the footprint is acceptable, but the height is not. Mr. Doran said the height is 24.17 ft. to the ridge and 18.08 ft. to the mid-ridge. He read the Ordinance definition of building height. He said the effective height is the 18 ft. mid-ridge figure, but it is still 6 ft. over the limit. Dr. Levitt asked Mr. Orellana what the purpose of the second floor is. He said it is for tools for his roofing business. Dr. Levitt asked if the building had a water hook-up. He answered no, it is for tools. Dr. Levitt stated that he has a garage as part of his house and now he is adding another garage. Mr. Orellana said he puts his car in the other garage. Dr. Levitt said we do not permit an accessory structure with its primary use for a business. Its use must be an accessory use for the primary structure which is the house. Dr. Levitt asked if the height was listed on the permit application. Mr. Orellano said it was not and that was his fault.

Dr. Levitt said that variance testimony is required from Mr. Ghelani who is the engineer. There is no attorney present to initiate the questioning. Dr. Levitt said justifications for the variance are required and the benefits and negative criteria need to be addressed. He asked Mr. Ghelani to give testimony to justify the variances requested. Mr. Ghelani said he is only testifying to the dimensions and the plan. Dr. Levitt said we need justification to give an exception to the Ordinance. Mr. Ghelani suggested they come back before the Board with an attorney present. Mr. Fleishman said there are legal criteria that have to be met and you can't self-impose a hardship. The applicant needs evidence to support their position. He said we have a language barrier here, which the Board respects. An attorney and an interpreter are necessary to protect the Board and the applicant. Mr. Fleishman said nothing has been introduced into the record with regards to the plan. The process needs to be understood. The permit should be submitted as evidence along with any and all other documents to substantiate the application. Dr. Levitt suggested he could choose to conform. Dr. Levitt said he has heard no testimony to satisfy the granting of any variances; there are no justifications. This could come to mean that he would have to take out all of the concrete and remove the second floor of the accessory building to make it conform. As it is now, the accessory building can be no higher than 18 ft. and concrete would have to be removed to conform to 50% coverage. This will be an expense and Mr. Orellana needs to understand that. Mr. Fleishman said this is an individual application and an attorney is not a requirement, but an engineer or a planner must provide legal testimony. In this case, it may be beneficial to have an attorney ask the questions of the engineer or planner. Mr. Shippen said we need to see the permit that he has. Mr. Fleishman suggested submitting them to the board secretary. Mr. Ghelani took a five-minute conference with the applicant.

Dr. Levitt noted that there were four people present who wished to speak during the public session, but the Board cannot allow them to speak yet because there is no testimony.

In the interim, Dr. Levitt had the Board vote on the resolution to be memorialized. The resolution was for Rise City Church, Block 33 Lot 61, 1915 New Road for a "D" Variance, Site Plan Waiver, and "C" Variances. Abstentions were Mayor Chau, Peter Brophy, Matthew Carney, Henry Notaro, Dan Reardon, Councilman Utts. The voice vote was all in favor and none were opposed.

Mr. Ghelani and Mr. Orellana returned and said they wish to come back for a continued hearing. Dr. Levitt said the hearing will be continued to June 2, 2022 and no further notice will be required and they agree to waive any time limits for the Board. Dr. Levitt instructed them to bring any permits they have. Chief Newman asked how we will know that the work is not being done. **Dr. Levitt informed the**

applicant that no further construction can occur and you are not to pave the driveway from the street to the accessory building until this application is heard by the Board. Mr. Fleishman asked that they have their attorney call him once an attorney has been retained. Dr. Levitt reminded that this is a continued hearing and it is important that the same people hear the testimony.

Dr. Levitt closed the meeting at 7:55 p.m. with a motion from Councilman Utts and a second from Mr. Shippen.

Respectfully submitted,

*Robin Atlas*

Robin Atlas, Secretary to the Board