

City of Northfield Planning Board
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February 2, 2023

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 January 25, 2023 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 if applicable.

The **REGULAR** meeting of the Northfield Planning Board was held on Thursday, February 2, 2023. ***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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The meeting was opened by Chairman Richard Levitt at 7:00 p.m. with the reading of the Sunshine Law and the roll call. The following were present or absent as noted.

Peter Brophy

Matthew Carney

Mayor Erland Chau

Councilman Eric Leeds-absent

Dr. Richard Levitt

Henry Notaro

Dan Reardon

Ron Roegiers

Derek Rowe

Clem Scharff

Jim Shippen

Paul Utts

Joel M. Fleishman, Esq.-Planning Board Solicitor

Matthew Doran, PE, PP-Planning Board Engineer

The meeting began with the Pledge of Allegiance led by Mr. Brophy.

Mayor Chau read the Oath of Office to swear in Daniel Reardon as Alternate Planning Board member #4 for a 2-year term.

Dr. Levitt asked for a motion to approve the minutes from the January 5, 2023 Re-organization meeting. Mr. Shippen made the motion and Mr. Brophy seconded the motion. The Board was all in favor by voice vote.

There was one application on the agenda from Michael Portnoy, Block 125 Lot 18 at the property location of 11 Roosevelt Avenue in the R-2 Zone for a "C" variance for Lot Frontage. Mr. Notaro recused himself from this application and left the dais. Dr. Levitt swore in Mr. Portnoy.

Mr. Portnoy said he is the prospective buyer of the property contingent on variance approval for frontage from this Board. Dr. Levitt asked if there was a sales agreement. It was submitted as part of the application. Mr. Portnoy stated that the land has been in the same family since 1954 and zoning has changed since then. The frontage requirement is 70 ft. and the existing and proposed frontage for this lot is 54.43 ft. Mr. Portnoy stated that there are many lots in this area that are similar in size or smaller. He felt there was no detriment to anyone. He added that on the Jackson Avenue side, the adjacent properties have big back yards and the Roosevelt Avenue sides have somewhat smaller backyards. Dr. Levitt said the property's access is from a 20 ft. alleyway and not a city street. He added that by ordinance, if it fronts on city property, it is permitted even though it is not a City street. Mr. Brophy asked if he was certain that it is City property. Dr. Levitt said the alleyway is City-owned property, but 10 ft. of the alley juts onto this property and he asked Mr. Portnoy if he would be willing to dedicate 10 ft. to the alley. Mr. Portnoy said he can't speak for the owner of the property, but he would agree to it. Dr. Levitt said this can be a condition of approval and since variances are involved, the Board does have some latitude to make reasonable requests of the developer.

Dr. Levitt commented that the Board received a letter from the Northfield Fire Department. The initial letter from Captain Nixon said they had concerns and thought the project was in the beginning stages. Dr. Levitt informed Captain Nixon that this is actually the end of the process and asked for a clearer letter stating their concerns. The Fire Department had concerns about dragging hoses and fighting a fire on a dirt alleyway. They suggested paving the alleyway and adding No Parking signs. This is the reason for the 10 ft. dedication since the No Parking sign couldn't be enforced if it was not on city property. Mr. Portnoy said he is willing to agree to the sign. Dr. Levitt asked if he was willing to do the paving. Mr. Portnoy said he spoke with Captain Nixon. There are similar alleys, flag lots, and driveways that far exceed this alleyways' length. Mr. Portnoy was told that this may have been allowed in the past, but there are requirements now. Mr. Doran said there needs to be a stabilized base and top layers of pavement and this can be negotiated with Mr. Doran and the City Engineer. Mr. Portnoy said he is a general contractor and hasn't had to do this in the past. He said the cost of sewer to the property will be \$24,000 and he is forced to use Lafayette, the City's contractor. His own contractor can do the job if Lafayette runs a line from Roosevelt Avenue to the curb line to the unpaved area and his own contractor could take over from there and save Mr. Portnoy about \$10,000. Atlantic City Electric has given him a

price of \$1,500 to \$4,000 to run underground lines, New Jersey American Water wouldn't even give him a price and the City Engineer won't discuss the project until approved by the Board. Dr. Levitt said approvals stay with the property and not the individual. He also noted that when the Fire Department submits a letter of opinion, the Board would not overturn recommendations of their own fire company. Mr. Portnoy said that he should probably talk to City Council. Dr. Levitt commented that using a private contractor over the city contractor is above the jurisdiction of the Board. Mr. Doran agreed it is not the Board's call and suggested he start with the Sewer Department. Mr. Portnoy said they did give him a price and the price was discounted because the alley is not paved. He said \$300 a foot for a sewer lateral is very expensive. Dr. Levitt said sewer and utilities are not under the Board's control and he said Mr. Portnoy will need to see if value justifies cost.

Mr. Portnoy continued saying there are similar alleys that the City has paved. He added that the Lot is being taxed as a buildable lot. He said the City paves some alleys and not others. He is a single builder constructing one house and he asked why the burden was on him. He felt it should be shared equally. Dr. Levitt said there will be a lot of dust from being used if it's not paved. Mr. Portnoy said it is currently being used for parking. He said two of the neighbors are using it. Dr. Levitt said paving it would be a benefit to the value of the property. A paved alley is better than a dirt road. Mr. Carney asked if this will be Mr. Portnoy's primary home or will it be for sale. Mr. Portnoy said it will be sold. Dr. Levitt asked about the new residence. Mr. Portnoy said it will be a 4 bedroom, 2 and ½ bath two-story house with a garage. Dr. Levitt commented that the size of the lot is large at 10,000 sf and the Board can't restrict development due to the lot size. Mr. Shippen commented that if paving improves the value of this lot, it should also be improving the value of Lot 11 and the lots on Shore Road. He questioned why the paving should be entirely on the builder. Dr. Levitt said there is no mechanism to access that. The people that front the alley bought it that way and they can't be mandated to pave a City street Mr. Shippen said it would be an incentive for Northfield to get involved and asked what comes first. Dr. Levitt said approvals. He suggested that Mr. Portnoy approach the City and ask what they can do for him. The Board can't make any promises about the paving. Mr. Shippen asked Mr. Portnoy if he has approached the City yet. He answered no. Mr. Utts commented about the setback and said he has it listed at 25 ft. and if 10 ft. was dedicated to the alley it would be 15. Feet. Dr. Levitt said there is plenty of depth available with the lot depth at 170 ft. Most lots have a 100 ft. depth. The loss of 10 ft. would only mean a shorter front lawn.

Mayor Chau commented that many years ago when he was on the Zoning board, there was a proposal to sell the Lot to the adjacent homeowners and no one showed any interest. Dr. Levitt asked if the owner owned any other properties. Mr. Portnoy said he owned 2 Jackson Avenue, Block 125, Lot 15, but the lots are not contiguous. At this point, Mayor Chau recused himself. He was listed on the 200 ft. noticing list, but said he did not receive notice.

Mr. Doran discussed his report. He said there are no curbs and sidewalks and a waiver would be required. Mr. Doran said two shade trees are also required. Mr. Portnoy said the center of the lot is grass and there are two big trees that will need to be removed in the setback. He said he would add two shade trees. Mr. Brophy asked how old and how big the two trees are. Mr. Portnoy said they are about 75 years old. One of the trees will not survive when he digs the basement. The tree has a big root

system and it will die. The root system is as big as the canopy of the tree. Dr. Levitt said the Ordinance does allow for the removal of trees that interfere with construction. He asked Mr. Portnoy to refer to the County list of preferred trees. Mr. Doran suggested the Board give leeway for the applicant to negotiate with the City as to what kind of paving will be needed and he said he would be glad to go the meeting. Mr. Portnoy said there will not be more than 10 or 12 cars accessing the alleyway per day. Mr. Doran said it is now an alleyway, but it will become a main access. Dr. Levitt said it will be the only access and there will be more traffic. He suggested talking with the City and negotiating with them. Mr. Portnoy said there is an alleyway 200 ft. away. Dr. Levitt said there is no proposed development there. In this case there is proposed development and the plan is to make the entire town more consistent with the Ordinance which mandates paving in the streets for new construction. Mr. Doran continued with his review letter and said new water and sewer service will be required along with other utilities and they should be placed underground. Mr. Portnoy needs to make sure water doesn't run off onto other properties. Mr. Portnoy said a drainage plan is required. He added that the property is basically flat. Mr. Doran said the Building Department will handle the stormwater and grading plan. Mr. Doran completed his review by stating that a Cape Atlantic Soil Conservation permit is required prior to start of work.

Dr. Levitt opened up the public session. Bob Hemberger of 27 Roosevelt Avenue, Block 125 Lot 9.02, spoke first. He discussed the Fire Department and said the alleyway doesn't go all the way through as does another alleyway further down the block. He has concerns with it not being paved. If there was a fire, there would be an issue of a fire spreading if the Fire Department had trouble getting to it. Dr. Levitt said the Fire Department doesn't want to drag hoses over a dirt road and the trucks are very heavy vehicles. If the ground was muddy the trucks could get stuck. Mr. Hemberger asked if it was normal practice for the City to get involved. Dr. Levitt said new subdivisions are required to be paved. Mr. Portnoy needs a variance. If a variance is required, reasonable conditions can also be required.

Carol Fairhurst spoke next. Her property is 20 Jackson Avenue, Block 125 Lot 17 and she wanted to know how close the house will be to her fence. Dr. Levitt said the house will be 15 ft. to the property line on her side. Lots 10 and 11 will be on the 10 ft. side. Mr. Portnoy said he wants to make his setback suitable for him and Dr. Levitt and Mr. Fleishman agreed that he has that option as long as he complies with the Ordinance. Dr. Levitt said her house is close to Jackson Avenue and the new home won't be that close. Mrs. Fairhurst didn't want a variance granted. They have planted trees to beautify the property and she doesn't want a house right up against hers. Mr. Fleishman said Mr. Portnoy isn't requesting a variance for that. Mr. Portnoy said on the 10 ft. side, the neighbors have large yards and the new house will not be up to her property line. It will be closer to Lot 16. Mr. Portnoy said if she looks back from her property, she will not see the new house. Dr. Levitt said the new house's back yard will abut Mrs. Fairhurst's backyard, not her home.

Dave Russo of 17 Roosevelt Avenue, Block 125 Lot 10 was sworn in. He stated the new house is going to be right outside his fence. Dr. Levitt said his back yard will abut the new backyard, not the house. Mr. Portnoy explained to him where the new house would be located. Mr. Russo asked how high the house would be. Mr. Portnoy said it will be a two-story home. Mr. Russo had concerns about fire. Mr. Portnoy said he hopes that there won't ever be a fire. He added that a fire truck would most likely drive down the street. Dr. Levitt said Mr. Portnoy would have the right to appeal the Board's decision to Council and

ask for relief from paving. Mr. Portnoy said if you were to put yourself into the perspective of the estate selling this property, you would see that taxes have been paid on the vacant land since 1954 and the lot has not needed the services of trash pick up or children in the school system. The alley width was discussed and Mr. Fleishman said the applicant has to pave the alley as determined by the Board's decision. How it is paid for and the amount of taxes paid in the past is irrelevant to this Board. Mr. Portnoy said he accepts that. Mr. Fleishman said it must be paved to the satisfaction of both the Board and City Engineers.

Dr. Levitt continued with the public session. Therese Gunnison of 921 Shore Road, Block 125 Lot 12, was sworn in. She said she does not need access to the lot and has a two-car garage on her property next to the alleyway. She fronts on Shore Road and doesn't want to incur costs for any of the paving. She also didn't want any parking in the alley. She said there is a fire hydrant in front of her house and in the case of a fire would they need to drag the hoses down her neighbor's driveway or would they come from Broad Street. She asked about trash day and said she doesn't want trash cans on her property line. Dr. Levitt said they would have to comply with regulations.

Dr. Levitt closed the public session seeing that no one else wished to comment. Mr. Brophy asked if anyone was on Zoom. Mr. Scharff said there was no one on Zoom. Dr. Levitt said Mr. Portnoy will have to negotiate with the City and the seller about the expenses in order to develop the lot.

Dr. Levitt asked for a motion. Mr. Scharff made the motion for a "C" variance for Lot Frontage including the following conditions and waivers: sidewalks and curbs would be waived, two shade trees will be added, there will be a No Parking sign in the alley, the alleyway will be paved, 10 ft. of property will be dedicated to complete the alleyway, the 10 ft. dedication would be by a Deed of Dedication which will be submitted to Matt Doran, Joel Fleishman, and possibly to the City Solicitor for a review process, Mr. Doran's report in its entirety with no exceptions, any and all testimony from the hearing this evening, and compliance with the Fire Department's letter. Mr. Brophy commented about the alley sign and asked if anyone can put a No Parking sign in the City. Mr. Doran said they cannot and that in order for it to be enforced, Mr. Portnoy would have to approach the City and make a request. Dr. Levitt said the City would have to pass an Ordinance for no parking in the alley and the cost of the sign would be de-minimis. Mr. Shippen seconded the motion.

The roll call vote was as follows:

Mr. Brophy-yes

Mr. Carney-yes

Mayor Chau-recused

Councilman Leeds-absent

Mr. Notaro-recused

Mr. Reardon-yes

Mr. Roegiers-yes

Mr. Rowe-yes

Mr. Scharff-yes

Mr. Shippen-yes

Mr. Utts-yes

Chairman Levitt-yes
The motion carries.

Councilwoman Carolyn Bucci was present at the meeting and was welcomed by Dr. Levitt. She addressed the Board and said one of her assignments with City Council is Economic Development and she meets with businesses in town. There is a Business Association and the businesses work together with them. Councilwoman Bucci has been doing research and The Master Plan only has one sentence referencing economic development and that is to continue economic development in Northfield. She said the economy in Atlantic County relies upon the casinos. There is a good possibility that in the next five years, one or two more casinos could close and that will affect the economy. A focus group came up with ideas of what businesses in Northfield are looking for. She would like to see that section of the Master Plan developed with goals. Councilwoman Bucci said Somers Point and every other town have economic development plans with goals. She has named her commission members and would like to see a plan moving ahead. The economy doesn't look good moving forward and a plan needs to be in place. She would like to see Tilton Road re-marketed and would like help with that. Dr. Levitt said the limitation is that Northfield is fully developed and zoning won't be changed. He asked for ideas for goals. Councilwoman Bucci said Jersey Cow is a wonderful addition to Northfield without moving businesses into neighborhoods. Her attention is on Tilton Road. Dr. Levitt said there has never been a request for business development that the Board has not approved. He asked what mechanism the Board can help her with. He noted the City has Tilton Road, New Road, and Northfield Avenue for commercial development. Mr. Scharff added that Northfield Avenue was re-zoned commercial, but has been slow to be developed. Dr. Levitt said another thing to be careful of is that most commercial areas abut residential zones. We have to be respectful of our residents with traffic, light, and sounds and it is a balancing act. The purpose of the Master Plan is to develop the Ordinance and it is a blueprint to develop the Ordinance. The Board would welcome suggestions and guidance where the Ordinance could be modified to help with economic goals. Councilwoman Bucci asked if there was a Master Plan committee. Dr. Levitt said the Board has delegated to the Board Attorney and Board Engineer and have discussed things that need to be changed. The Board will be discussing three items this evening involving the landscaping ordinance involving trees, state-mandated electric charging stations, and generators. The goals and objectives of the Master Plan have remained fairly constant over the years. Dr. Levitt said everyone wants economic development, but what is the mechanism to do that and he asked for suggestions. Councilwoman Bucci said she was not aware that she was on the agenda for this evening and did not have her report with her or other members involved. Dr. Levitt welcomed her to come back at a future meeting. She was not happy that economic development is one sentence in the Master Plan and said this is not adequate and we need a plan for economic development. Mr. Scharff said there is nothing that the Board hasn't approved and the Board is wide open to suggestions. He gave an example of the huge parking lot at the Tilton Shopping Center and suggested that a hotel could be developed there. Dr. Levitt agreed, but said it is private property and unless it was declared a re-development zone there isn't anything that can be done. Councilwoman Bucci said she would like to set up a meeting with the committee. Mr. Shippen said he didn't think it was the purview of the Board to develop the suggestions and he said he thought the Board should contemplate the suggestions and requests that other people make and determine if it is reasonable and feasible and fits within the guidelines of the

codes. He asked if Mr. Fleishman had any comments. Mr. Fleishman said in accordance with Municipal Land Use Law, the Board is involved in developing the Master Plan for the City. The Master Plan has different elements, both residential and commercial. Whether the Board is hearing a "c" variance application or a "D" use variance application, the outcome is based on testimony and the Board must decide if it is consistent with the intent and purpose of the Master Plan and Zoning Ordinance. This is always mentioned in Mr. Doran's reports. It also helps the Board to determine if an application meets the legal criteria to be able to grant the variance or application. Mr. Fleishman said the Board does participate in the Master Plan planning. He gave an example where if more economic development in the City is the goal, the plan could state that more development on the Tilton Road or New Road corridors is the goal and a Planner would write that. It is the Board's purview to participate. Mr. Roegiers said the Board is in it by default. Mr. Fleishman agreed and said also by law and the Master Plan is revisited every ten years and it is where we are now. Mr. Shippen had no objections to getting input but had concerns with developing the suggestions. Dr. Levitt said this is nothing new. In the past, the driving range on Tilton Road had been considered for hotel development and there was never a developer that came along that was interested. He said the Master Plan is not in the way of development. Councilwoman Bucci said she never said that and said she would like to meet at another time and show what Somers Point has done and what other communities have written. Mr. Fleishman said he thought it was called a Strategic Objective Plan. Mayor Chau and Councilwoman Bucci discussed that the Economic Development Commission is set by Council. Councilwoman Bucci said the Commission will do research and give suggestions for the Economic Development section of the Master Plan. Mayor Chau said the mechanism is that City Council is the agency making recommendations to the Planning Board who then discusses the recommendations and then sends a response back to City Council to make the ultimate decision. There are many projects that that we have wanted to see go forward and put in a lot of work and expense and no one came forward. A developer showed interest in developing the golf driving range and the project never happened. It was the same with Cresson Hill. The residents of Tilton Village came forward and they didn't want it. More recently this occurred with the Webster Northfield Avenue project for the eye center expansion. Dr. Levitt said the Board approved the VA Hospital project and the Senior Housing application on Wabash Avenue and the Board gave them everything they wanted. Mayor Chau said the VA Hospital project is having some issues and they may not be able to continue. Dr. Levitt said the suggestions need to be imaginative and the Board needs to see something concrete. Councilwoman Bucci said she will supply a copy of the Somers Point Plan and wants an opportunity to discuss this issue further. Mayor Chau said Councilwoman Bucci is bringing up a very good point that this needs to be a collaborative effort with back-and-forth discussions and an open dialog. Mr. Scharff said there is almost no land to work with in Northfield. There is an area on Merritt Drive that is strictly residential and the area on Wabash Avenue for the adult housing. Dr. Levitt commented that there are a lot of large warehouse projects being built, but Northfield doesn't have the space for it. There cannot be any manufacturing plants. He discussed the old SIC (Standard Industrial Codes) codes that have been eliminated. They described every possible type of business and they were very specific. A variance was needed for everything not mentioned in the SIC codes. Now the Ordinance is more broad to allow for more businesses. Mayor Chau asked that Councilwoman Bucci be informed about the agenda for future meetings.

Councilwoman Bucci stayed to discuss Ordinance No. 3-2023 which includes proposed changes to the Sign Ordinance which was forwarded to the Planning Board from City Council for review. Dr. Levitt discussed Section D. He has an issue with the Zoning Officer not issuing a citation for a violation and the only recourse would be to go to court. Mr. Fleishman said they should be allowed to correct the situation and if not corrected, they would then go to court. They should be given time to remedy the situation. Mr. Scharff thought that would be a major setback to a system that has worked. Dr. Levitt said there would be legal costs as well. He suggested leaving it as it is. The Board recommended that a 10-day notice period be given to correct the situation before proceeding with Court.

Section F was discussed which involved business names on directional signs. This eliminates putting a business name on a directional sign which could lead to some confusion.

Section F, Number 21 was discussed at length. Dr. Levitt felt the changes were wrong and not how things are done in planning. He felt there should be permits and a time frame. Mr. Scharff noted signs cannot be in a site triangle and an owner should be responsible for any damage. He added that sidewalks cannot be obstructed. Dr. Levitt added that after 90 days everyone would know the business is there and it will be less attractive if the City to allow these signs to remain without any time constraint. Councilwoman Bucci and Dr. Levitt discussed this. She felt the banners were not signs and should be allowed to promote business. The Board felt the timeframe limitation of 30-days should not be deleted. Dr. Levitt encouraged the Board members to attend Tuesday's City Council meeting. Mr. Fleishman will prepare a memo to City Council reflected the Board's recommendations and concerns. Dr. Levitt told Councilwoman Bucci that he appreciates her coming to the Planning Board meeting and he wants to work with her to promote business development.

The Board discussed the generator recommendations. Mr. Carney had an issue with the front yard setback. Mr. Roegiers said that the memo prepared by Mr. Doran states the Board's position. Mr. Utts reminded that City Council will write the Ordinance. Dr. Levitt said the memo will be forwarded to City Council. Mr. Scharff made the motion to forward the memo to City Council. Mr. Reardon seconded the motion. The voice vote was all in favor.

Dr. Levitt closed the meeting at 9:11 p.m. with a motion from Mr. Scharff and a second from Mr. Rowe.

Respectfully submitted,

Robin Atlas

Robin Atlas, Secretary to the Board