

City of Northfield Planning Board
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July 11, 2024

Notice of this meeting had been given in accordance with Chapter 231 Public Law 1975, otherwise known as the Open Public Meetings Act. Notice of this meeting had been given to The Press of Atlantic City on June 29, 2024 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, July 11, 2024. ***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.

Topic: City of Northfield Planning Board Meeting

Time: Jul 11, 2024 07:00 PM Eastern Time (US and Canada)

Join Zoom Meeting

<https://us02web.zoom.us/j/87360585773?pwd=I60LZakyINqnth5iJQzbPJIW31xVge.1>

Meeting ID: 873 6058 5773

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The meeting was opened by Chairman Richard Levitt at 7:01 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
Councilwoman Carolyn Bucci
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

Mr. Brophy led the flag salute.

Mr. Scharff made the motion to approve the minutes from the June 6, 2024 Planning Board meeting.

Mr. Shippen seconded the motion. The voice vote was all in favor.

Michael Malinsky, an attorney with Fox Rothschild of Atlantic City, requested that an informal review TO be heard this evening regarding Block 16.01 Lot 46.01 owned by Nikmehr Properties, LLC. The property is located at 800 Tilton Road and consists of a wooded vacant lot between the Keller Williams Building and Wendy's Restaurant in the C-B zone. He discussed a concept plan for a 10,640 sf Dollar General retail store. He stated the design will be compliant for all bulk standards in the zone and he is looking for input from the Board for his clients. Mr. Brophy asked if he was aware that there are similar businesses in the area. He said his clients are aware of competitors and are still interested in the site. Dr. Levitt said if it conforms it is a by-right and added that the Board and the city are interested in dressing up Tilton Road for economic development and would like to see attractive landscaping and design to enhance Tilton Road. They would also like to see interesting and tastefully decorative signage. Mrs. Bucci agreed with Dr. Levitt. Mr. Malinsky said they would prefer something other than the typical pylon sign. Mr. Fleishman said the Planning Board is revisiting the Master Plan. It has not been adopted yet, but he will provide a draft copy so that Mr. Malinsky can read the section about Tilton Road. Mayor Chau asked if there were any other completed Dollar General stores in the area that would be similar to their design. Mr. Malinsky said there is one on Pitney Road in Galloway with faux windows and a different front façade from what is typically seen. It will not be a warehouse style store. He added that there is a large area in front for an attractive sign and landscaping. He added that Dollar General will not require as much parking as the Ordinance states and they would be able to have more green areas and islands. Most Dollar General stores only need 20 parking spaces. Mr. Malinski thanked the Board for their time.

The first application on the agenda was from Michael and Julie Pepper for Block 119 Lot 15, at 114 Mt. Vernon Avenue in the R-2 Zone for "c" variance relief for the installation of pumps for an in-ground pool.

The bulk relief is for minimum rear yard setback and minimum side yard setback. They were sworn in and Mr. Carney recused himself from this application. Mr. Pepper said he installed a pool last year and there was nowhere to put the pump. They installed it on the bike path side 6 ft. off the rear of the property. A survey was submitted with hand-drawn locations of the pool pumps. Mr. Pepper said the two squares show the pump and filtration system and he has a 6 ft. fence surrounding the area and the system is quiet and can't be seen on the other side of the fence. He said they initially constructed an open-air gazebo and then put in the pool. It is 22 ft. from the bike path and a few feet from the neighbor's yard. There is a tree, landscaping, and pavers between the pool and the fence. Mr. Brophy asked if there was a neighbor behind his property with a pool and Mr. Pepper said yes.

Mr. Doran reminded the Board that the Peppers have permits for the pool and electric. The violation only involves the pool equipment and that is what the Board needs to address. Mr. Utts asked about the filtering system and when it is flushed, where does the water go. Mr. Pepper said it goes out toward the bike path and it is salt water and not chlorine and it does not kill the grass. Mrs. Pepper said they also have a landscaped bed in that area and it is fine.

There was no one from the public who wished to speak on the application.

Mr. Scharff made the motion for "c" or bulk variances for minimum required rear yard setback and minimum required side yard setback to the pool pumps located at the rear of the property. Mr. Shippen seconded the motion. The roll call vote was as follows:

Mr. Brophy-yes

Councilwoman Buccini-yes

Mayor Chau-yes

Mr. Notaro-yes

Mr. Rowe-yes

Mr. Scharff-yes

Mr. Shippen-yes

Mr. Utts-yes

Chairman Levitt-yes

The motion carries.

The second application was from Jessica Joseph who resides at 55 W. Yorkshire Avenue, Block 85, Lot 4 in the R-2 Zone. The application is for "c" variance relief for an addition. They require a "c" or bulk variance for minimum side yard setback. Jessica and her husband Frank were sworn in. Jessica said she bought the house in August 2020 and is the third owner. The house was built in 1961 and the house is dated. She recently got married and they want to build an addition. The issue is pre-existing. The existing encroachment is 2 ft. 3 inches into the required 10 ft. side yard setback. The variance will allow a slight encroachment so that they can construct the addition that is flush with the existing structure. Mr. Fleishman labeled the site plan showing the proposed addition as Exhibit A-1. Mrs. Joseph said they wanted to build in the back of the property, but it wouldn't work so they are planning a second story addition. Mr. Fleishman questioned the Josephs and they testified that the project would enhance the livability of the house and will be aesthetically improved. They said they have electric baseboard heat and

tiny windows and they want to upgrade the HVAC. They will keep the home single-family and will not have a duplex.

Mr. Doran referred to his report and said the required setback is 10 ft. and the existing and proposed setback is 7.9 ft. and will be the same with the addition of the second floor. He asked how close the neighbors were. Mrs. Joseph wasn't sure, but she has an existing white vinyl fence and most of the homes in the neighborhood have yards and are not close to the property lines. Mr. Doran said this is a unique situation and will require a C (1) variance. There is one tree in front and one parking stall. Two stalls are required. Curbs and sidewalks exist. Mr. Joseph said there is another parking spot that is stone and they want to replace it with concrete. They have a beautiful Crape Myrtle tree and they want it to grow larger. Mr. Fleishman said the Board could waive the second tree.

There was no one from the public who wished to speak on the application.

Mr. Scharff made the motion for the C(1) variance for the setback and Mr. Shippen seconded. The roll call vote was as follows:

Mr. Brophy-yes

Councilwoman Buccini-yes

Mayor Chau-yes

Mr. Notaro-yes

Mr. Rowe-yes

Mr. Scharff-yes

Mr. Shippen-yes

Mr. Utts-yes

Chairman Levitt-yes

The motion carries.

There were two resolutions to memorialize. The first was for Adam Barker, Block 42 Lot 1.22, 609 Herzel Avenue for "C" variance relief. Abstentions were Mayor Chau, Mr. Roegiers, and Mr. Shippen. The voice vote was all in favor. The second resolution was for Robert Pattillo, Block 106 Lot 14, 212 Infield Avenue for "C" variances. Abstentions were Mayor Chau, Mr. Roegiers, and Mr. Shippen. The voice vote was all in favor.

The Board discussed the extension approved by City Council for the Rehabilitation Resolution that must be responded to and referred back to City Council by July 12, 2024. Dr. Levitt spoke and said the pro to this is that the city will have a better shot at obtaining grants for infrastructure improvements. Dr. Levitt read through his concerns that were discussed at the June Planning Board meeting:

Reasons given by members of the planning board for opposing this ordinance include the following:

1. Unconvincing evidence that our residential zones would benefit from being declared an area in need of rehabilitation

2. The discussed purpose of the ordinance to provide another liquor license would be of little benefit
3. There would be no guarantee that such liquor license would go to the intended property, namely the movie theater.
4. There could be negative connotations to being declared an area in need of rehabilitation namely in property values and city reputation
5. The planning board identified only a handful of areas; primarily along Tilton Rd; that could benefit from this ordinance so declaring the entire city in need of rehabilitation seemed to be excessive
6. The cost to any future developer would be greater under this ordinance because of legal and planning costs needing to be presented to both Council and the Planning Board
7. The planning board has consistently worked with developers formally and informally to provide whatever reasonable compromises or variances necessary to further economic development
8. The legal and planning costs of writing this ordinance seem unlikely to be recouped or justified by encouraging development

Mrs. Bucci added that Tiffany Morrissey also said that the Rehab could also affect the COAH numbers. Dr. Levitt felt that has been fully covered. He added that this is likely to be exercised by developers for the purpose of a liquor license. Mr. Doran informed Dr. Levitt of the grant benefit and if we are in competition with other municipalities and were designated a rehab city, it may give our city an edge. Mr. Doran added that the rehab is defined by age and not the condition of properties. He said there is a lot of federal money that filters down for sewer, street, and infrastructure improvements. Dr. Levitt continued that if only Tilton Road was considered, more study would need to occur and that involves more money. Dr. Levitt had concerns that some variances could be bypassed.

Mr. Fleishman discussed his experiences in Somers Point and Pleasantville. He said rehab designation is a type of tool. It means nothing until there is a redevelopment plan. It opens the door. In Somers Point there were no abatements or pilots, but Pleasantville is a different story. Northfield doesn't seem to have a need for them. He used the Diocese as an example of creating zoning to help development. That wasn't possible with the eye doctor's application because of the surrounding residential zoning. Dr. Levitt said there are not many commercial sites available. Mr. Fleishman gave another example of the Tilton Shopping Center. There can't be two principle uses on one site-commercial and residential. With the rehab designation, discussions can occur with the city for redevelopment. Mr. Brophy said with the Webster application, the public clearly didn't want it. Mr. Fleishman said there will always be public input with redevelopment discussions. Mr. Shippen had concerns about changes being made to existing Ordinances. Overlays and spot zoning was discussed and Mr. Fleishman said it is a long process but developers will pay for it as well as the city professional fees. Mr. Shippen asked who makes the decision for overlays. Mr. Fleishman said City Council and then it comes to the Planning Board for consistency review for the Master Plan and then back to Council and then back to the Planning Board for Site Plan approval. He added that this usually happens with properties that are fallow for a long time and Northfield doesn't really have that, but every situation is unique.

The Board suggested taking a vote and discussed how to write the resolution. It was decided that Mr. Fleishman would draft the resolution and will include the following recommendations:

1. That the “area in need of rehabilitation” be limited to the Tilton Road commercial corridor.
2. That the City agree not to sell or lease any municipally owned and operated utility.

Mr. Scharff made the motion and Mr. Carney seconded the motion. The roll call vote was as follows:

Mr. Brophy-no

Councilwoman Bucci-abstain

Mr. Carney-yes

Mayor Chau-no

Mr. Notaro-no

Mr. Rowe-no

Mr. Scharff-yes

Mr. Shippen-yes

Mr. Utts-yes

Chairman Levitt-yes

5 in favor, 4 opposed

The motion carries.

Mr. Doran explained the letter from Chief VonColln that was delivered to the Secretary dated June 20, 2024. It describes concerns expressed from Joseph Gurwicz over a stone walk way path from the rear of Tilton 8 Movie Theater to the rear of Cresson Hill Apartment Complex. The Police Chief has concerns about vagrants and trespassers and crime in the area. He also suggested a fence between the two properties rather than a pathway. The Chief could not be present at the meeting due to a family emergency. Mr. Doran discussed the matter and said both Mr. Gurwicz and the Police Chief do not want this path. Dr. Levitt said the Board wants to encourage walking communities and that is why it was approved during the site plan application. He suggested coming back to the Board for a revised site plan application and he can bring the Police Chief as a witness. This can't be discussed without the applicant. Dr. Levitt and Mr. Doran said the Board does not have the authority to waive what was approved. It is on the approved plan and Mr. Doran said he has told Mr. Gurwicz this.

Mr. Reardon made the motion to close the meeting and Mr. Brophy seconded the motion. Dr. Levitt closed the meeting at 8:23 p.m.

Respectfully submitted,

Robin Atlas

Robin Atlas Secretary to the Board