

City of Northfield Planning Board
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Minutes: March 7, 2019

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, 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.

This REGULAR meeting of the Northfield Planning Board held on Thursday, March 7, 2019 in Council Chambers, City Hall, Northfield, was opened by Chairman Richard Levitt at 7:01 p.m. with the reading of the Sunshine Law and the following members present or absent as noted:

Mayor Erland Chau-absent
Jim Leeds
Dr. Richard Levitt
Joe Massari-absent
Chief Paul Newman
Henry Notaro
Councilman Frank Perri-absent
Daniel Reardon-absent
Ron Roegiers-absent
Derek Rowe-absent
Clem Scharff
Jim Shippen
Steve Vain

Matthew Doran, PE, PP-Planning Board Engineer
Mark H. Stein, Esq.-Planning Board Solicitor

Dr. Levitt recused himself from the Clark/Sherwood application for professional affiliations and Vice Chairman Scharff took the chair for the first application. Mr. Scharff swore in Mr. Scott Sherwood and Dr. Heather Clark of 19 Ridgewood Court, Block 158, Lot 17.18 in the R-1 zone. They are seeking approval for a "C" variance to construct a 4 ft. fence. This property has two frontages on municipal streets. The front of the home faces Ridgewood Court and the back faces Cove Avenue.

The applicants stated they want to install a 4 ft. black aluminum fence inside the tree line 10 ft. from the right-of-way of Cove Avenue. After filing their application, they thought they should ask for a higher fence since another owner may want to install a pool should they decide to sell in the future. Mr. Doran said they only need a 4 ft. fence for a pool. Mr. Sherwood commented that most people would want a higher fence for a pool. Mr. Scharff asked Mr. Stein if they would have needed to re-advertise for this.

Mr. Doran said if new owners want a pool and a higher fence they would need to come before the Board for the pool anyway since it is considered a front yard. Mr. Stein said they can't change the application when they are before the Board. Mr. Sherwood said he expected as such.

Mr. Doran said the narrative explanation given with the application was very good. They want a fence that can adequately keep their new dog on the property. The fence is a black aluminum fence with 5/8" pickets spaced 3 and 7/8" apart. They will run the fence inside a line of Leland Cypress trees which are 30 ft. tall. Curbs, sidewalks, and street trees were all addressed over 10 years ago when the subdivision was approved. There was no further discussion from the Board and there was no one from the public who wished to be heard.

Mr. Shippen made the motion for a "C" variance to allow for the construction of a 4 ft. fence. Mr. Leeds seconded the motion.

The roll call vote was as follows:

Mayor Chau-absent

Mr. Leeds-yes

Mr. Massari-absent

Chief Newman-yes

Mr. Notaro-yes

Councilman Perri-absent

Mr. Roegiers-absent

Mr. Rowe-absent

Mr. Scharff-yes

Mr. Shippen-yes

Mr. Vain-yes

Dr. Levitt-recused

The motion carries.

There was a second motion from Mr. Shippen at the request of the applicants for a recommendation to allow a permit application to commence next week giving Mr. Doran the authority in the Building Department. The applicants were made aware by Mr. Stein that the appeal period will still apply. Mr. Vain seconded and the voice vote was all in favor.

Dr. Levitt resumed the chair for the second application.

Chris Baylinson, Esq. addressed the Board. He is an attorney from Linwood with the firm Perskie Mairone Brog Barrera & Baylinson. He stated the proposed location is in Sigano's Center Point Plaza in a unit facing Route 9 where the record store Tunes was previously located. The address is 1205 Tilton Road, Unit No. 16, Block 41, Lots 4, 5, and 23 in the C-B zone. Mr. Baylinson said Stretch Me is a new and unique concept in fitness which involves one on one stretching. The client signs up as a member and is evaluated and then half hour sessions are scheduled with a certified stretcher. The type of stretching involves anatomy stretching and is a new, popular concept with 67 stores nationwide. The L.A. Rams football team exclusively uses this company for their stretching program and the Washington Redskins are in discussions to use the concept as well. The company chose this area for the golf interest, beach and boardwalk popularity, and feels especially those on the island will benefit from this type of fitness.

They have been under a lease agreement for a month, but the Zoning Officer said they need to come before the Planning Board since this is a new concept that is not covered by the Ordinance.

Mr. Baylinson continued by stating that the zone is C-B which allows personal services, health services, and studios, which are very general categories. They are before the Board for an interpretation of the permitted uses. He said the stretch concept is similar to going to a beautician for a haircut. They are seeking an interpretation without a use variance. If the Board says they are not permitted to operate this business in the zone, they will seek a use variance. Mr. Baylinson said there are no specific uses in this zone and they are very general in nature in the Ordinance. Mr. Dattalo, the Zoning Official, wants the Board to interpret.

Mr. Stein swore in Matt Doran, the Planning Board Engineer, Jon Barnhart, The Engineer and Planner for the applicant, and Jeff LeFevre. Mr. Baylinson directed questions to Mr. Barnhart concerning the interpretation. Mr. Barnhart said this service is very similar to physical therapy and can be in the same category as a gym or fitness type of center. It can qualify in more than one of the C-B permitted services. He said it can be categorized as a personal service since a technician is working on someone to help them to stretch, or to help with a sports injury or body soreness. The service is by appointment only. Mr. Baylinson added that the technicians are certified through Stretch Zone. Mr. Barnhart said General Business Services is a vague category. He said Stretch Me would fall into the Health Services category as well. It could also be categorized as a Membership Organization and is similar to a gym membership. Mr. Barnhart said this location is ideal for permitting this use and understands it was a tough call for the Zoning Official since it is new and unfamiliar as a permitted use within the categories of the C-B zone. It is also a controlled business by appointment only. There is no over-lapping of appointments and it is low intensity. The use would work well here. As a Planner, Mr. Barnhart said the business falls into the Personal Service category the most. Dr. Levitt added that the Board has had unique services such as this come before the Board before. He recalled the Dog Wash business in the Tilton Shopping Center that allows the dog owners or groomers to wash the dogs themselves using the tubs and equipment on site.

Mr. Baylinson called Mr. Jeff LeFevre. Mr. Doran commented that Mr. Dattalo would like to approve certain uses, but he has concerns with businesses that are not specifically permitted in the Ordinance, such as massage. Stretch Me was a difficult decision for him. Dr. Levitt described the differences between an interpretation and a "D" variance. Dr. Levitt said there are financial implications to the applicant and elected officials are able to vote on an interpretation, but not a "D" variance. He noted for the new members that if the description fits into the interpretation in the zone and is approved, the use will be permitted. If not approved, further testimony would be necessary for the "D" variance approval. Consideration would be given as to the fit with the Master Plan and certainty that the use would cause no harm to the public good and would not be detrimental to the zone. Mr. Stein added that the Board's interpretation could spell the use out clearly based on the testimony and for example, stretching may be allowed, but massage is not allowed.

Dr. Levitt asked if massage was part of this concept of stretching. Mr. LeFevre said massage is not a part of their procedures. He explained that it is a personal service and there is zero massage. It consists of a practitioner performing assisted stretching on a scale of one to ten with ten being the deepest stretch. The intensity of stretch for most is levels 3 to 5 to 7. Mr. Baylinson asked about the general atmosphere and opportunities for torrid behavior. Mr. LeFevre said they will have a completely open floor plan and there will be internal video surveillance. Mr. LeFevre explained the process. There will be initial demo stretching to evaluate each person for the 30-minute procedure. It is important that the technicians get to know the clients so they can establish individual protocol. Appointments are staggered and there is

no waiting. Typically there are two stretchers and two managers on duty and the hours depend on the appointments. The hours could be as early as 6:00 a.m. and as late as 9:00 p.m. There will be no late night or overnight hours.

Dr. Levitt asked for a general description of a stretch. Mr. LeFevre said there are warm up gyrations and they use a color scheme for the protocol of the stretch for each client's needs. They use a belt system for stability for the stretch. Jordan Gold developed the technique and is the founder of Stretch Zone Inc. It is called stability stretching and the belts are to prevent rolling during the stretch. The practitioner moves the body part and there are 92 different stretches. The stretches are used for training and can also help with specific pain and injuries. The stretches have different names, for example, the Jam Stretch or the Surfer Stretch. The stretches have been certified by the Jordan Gold himself. Dr. Levitt asked if there were any issues with physical therapy licenses or legal questions. Mr. Baylinson said stretch therapy is not prescribed by a doctor and is strictly a voluntary program. In comparison, physical therapy is prescribed by a doctor. Mr. Baylinson added that the client is fully clothed and the practitioners are in uniform.

Dr. Levitt asked for the feeling of the Board if this can be handles as an Interpretation or a use variance. No one on the Board was opposed to handling this as an interpretation. Mr. Doran asked that the resolution be very specific. Mr. Stein agreed and said the legal action is the actual adoption of the resolution. Prior to that, the resolution is a draft and he welcomes comments and suggestions.

Mr. Scharff made a motion for the interpretation that this service does fit into the category of Personal Services and Medical Use. The service involves stretching and not massage in open rooms with fully clothed participants. No massage was strongly stressed. The stretching is scheduled by appointment only. Mr. Vain asked what would happen if a Physical Therapist wanted to open an office in the shopping center. Mr. Stein said that would be allowed as a proven medical service. Mr. Stein referred to the Ordinance and said massage has always been a prohibited use. Dr. Levitt said massage had been an unaddressed item for many years and in the early 1980's it was added as a specific prohibited use. Mr. Stein continued reading the Ordinance and noted that it could even fall into the category of Allied Medical, Personal Services, and other related services. Mr. Baylinson suggested referring to his narrative which accompanied the application which is very detailed as to where this type of service can fit into the services allowed in the zone. Dr. Levitt clarified that the recent cosmetic tattooing application which required a "D" variance was necessary because tattooing is a prohibited use. It was agreed that the Zoning Officer would have difficulty in making a decision to allow this business without hearing the testimony presented tonight. Mr. Stein said there will now be a record that can be enforced if there is a violation. Dr. Levitt felt there was a good outline of the conditions of the interpretation. Dr. Levitt asked if there was anyone from the public who wished to speak on the application, and seeing no one, he closed the public session. Mr. Shippen seconded the motion.

The roll call vote was as follows:

Mayor Chau-absent

Mr. Leeds-yes

Mr. Massari-absent

Chief Newman-yes

Mr. Notaro-yes

Councilman Perri-absent

Mr. Roegiers-absent

Mr. Rowe-absent

Mr. Scharff-yes
Mr. Shippen-yes
Mr. Vain-yes
Dr. Levitt-yes
The motion carries.

There was one resolution to memorialize for ACCDEV, LLC, Block 175, Lot 6, 110 Hemsley Place, for relief from the Ordinance requiring curbing and sidewalk at the newly constructed property. The voice vote was all in favor with Chief Newman and Dr. Levitt abstaining. The resolution was adopted.

Dr. Levitt reported that City Council has rejected the Sign Ordinance proposals from the Planning Board and is coming up with their own proposal for the Planning Board to review. Ordinance items that affect zoning have to come before the Planning Board first and then City Council can either accept or return the proposals to the Board for modification which then go back to City Council. They must explain the reasons why if rejected and they have to pass the proposal with a majority of the full council. They said they will review at the next meeting. Once the proposals come back to the Board, the Board has 35 days to act which may necessitate a special meeting.

Mr. Shippen made a motion to close the meeting and Mr. Vain seconded the motion. The meeting was closed by Chairman Levitt at 7:50 p.m.

Respectfully submitted,

Robin Atlas, Secretary to the Board