

City of Northfield Planning Board
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December 3, 2020

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, 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, December 3, 2020. Pursuant to N.J.S.A. 10:4-8(b), this meeting was live-streamed using Zoom conferencing service and the public is restricted from attending in-person.

City of Northfield Planning Board is inviting you to a scheduled Zoom meeting.

Topic: City of Northfield Planning Board Meeting

Time: Dec 3, 2020 07:00 PM Eastern Time (US and Canada)

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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 with the following members present or absent as noted:

Peter Brophy
Mayor Erland Chau
Jim Leeds
Dr. Richard Levitt
Chief Paul Newman
Henry Notaro
Dan Reardon
Ron Roegiers
Derek Rowe

Clem Scharff
Jim Shippen
Councilman Paul Utts
Steve Vain-absent

Joel M. Fleishman, Esq.-Planning Board Solicitor
Matthew Doran, PE, PP-Planning Board Engineer

Robin Atlas, Board Secretary, read the following statement:

"As everyone knows, based on an Executive Order of the governor, public gatherings are still limited to not more than 25% occupancy of the room, and social distancing parameters apply. For this reason, members of the public are still not able to attend tonight's meeting in person, and virtual attendance has been made possible through Zoom video-conferencing. Participants can dial in by telephone and listen to proceedings, or they can access the meeting using a web-browser, and be able to view and listen. Instructions on how members of the public can access Zoom have been made available on the municipal website and were published in The Press of Atlantic City.

All participants will be 'muted' upon entry to the meeting. Web-browser participants will not be able to share their screens or see the camera-view of anyone other than the host, which is the City of Northfield.

When the time comes for public comment, a specific announcement will be made; one by one any telephone users will be asked to identify themselves and will be unmuted to permit commentary. Web-browser attendees may ask questions or make comments through the 'chat' function at the designated time. Please note that comments made through the chat function will not be acknowledged until the public portion of the meeting begins, at which time they will be read aloud into the record."

There was one application on the agenda from 1st Choice Property Management, Inc. for Block 95, Lots 46 & 47, and the address of record is 322 Northfield Avenue. The application is for a Minor Subdivision to realign the lot lines, a Certificate of existing non-conforming use, and a Use variance. The lots are in the O-P zone.

Charles Gemmel, Esq. of Gemmel, Todd & Merenich of Linwood addressed the Board and described the application. Appearing on behalf of 1st Choice is Joe Furst of 1st Choice, Planner Robert Reid, and Jim Boney, Surveyor. Mr. Fleishman interjected and said it is important to clarify which Board is hearing this application since Northfield has a joint Board. Mr. Fleishman continued saying that there is a "D" variance involved with this application and that is a Zoning Board matter. The Planning Board doesn't have jurisdiction to grant a "D" variance. Whatever else is involved with the application would also be voted on as a Zoning Board matter. There may be some Planning Board members present who will not be able to vote tonight and may choose to stay on or leave the meeting. Mr. Gemmel said he needs to know that there seven eligible members present at the time of the vote. There was a discussion about the elected officials not being able to vote on a "D" variance and whether or not they could vote on other aspects of the application. Mr. Gemmel said Mr. Fleishman's recitation was correct and it was clarified by Mr. Fleishman and Mr. Gemmel that the elected officials are not allowed to vote on any aspect of the application and only seven Zoning Board members can vote on the entire application. Mr. Fleishman said a super majority of five voters out of seven is necessary to grant a "D" variance and a regular majority can be used for the Minor Subdivision.

Mr. Gemmel continued by stating the property address is 322 Northfield Avenue, Block 95 and Lots 46 & 47. He described the square footage of the lots being 11,950 sf for Lot 46 and Lot 47 being 22,072 sf and this is for existing and proposed. The proposed application, if approved, will allow the continued renovation of two single-family homes which have existed for a long time and allow a third single family home to be constructed.

Mr. Gemmel said there are four parts to the application. The first is the minor subdivision. The division line is proposed to be moved. They are not creating a third lot. They are starting with two lots and ending with two lots. The lots will have exactly the same size as currently exists. They plan to reconfigure the lot lines to make it more feasible to develop the subdivision. The second part is for the Certificate of Existing Nonconformity. Section 215-18 (b) allows the Board to determine whether the use is an existing non-conformity. Their position is that the two existing structures are an existing non-conformity. They were created in 1924 and there was no zoning in effect in Northfield at that time. Zoning wasn't instituted until about twenty years later. Hopefully the Board will allow it to continue with the use today. The third aspect is if the Board is not inclined to vote for the certificate approval, they would ask for a variance to legalize the two structures which have been on the property in excess of ninety years which cannot be expanded upon but can be allowed to continue. The newly constructed home on Lot 46 is in the O-P zone which does not allow for single-family homes, but given the location of the lot and the uses surrounding it, it would be better to develop the lot as residential and they are asking for a variance for that. The fourth aspect of the application is lot frontage for Lot 46 since they do not have the 100 ft. required. Mr. Gemmel noted that the applicant, Planner and Surveyor are all present and he asked Mr. Fleishman to swear them in. Mr. Doran interjected with comments that a lot area variance is required as well. Even though the square footage is the same, the applicant will be creating a lot with a different configuration. Mr. Doran said he noted this in his revised review. Mr. Gemmel said they will address it. Mr. Fleishman agreed the "C" variance is needed since the lot is undersized for the O-P zone and is being used as a residential lot. Mr. Fleishman deferred to Chairman Levitt to swear in Mr. Reid and Mr. Furst who were present with Mr. Gemmel. It was noted that Mr. Boney was not present.

Mr. Reid testified first. He is a licensed Professional Planner in NJ since 1994 and as a Planner he has submitted applications, and as a Planner for the City of Absecon for the past 24 years, he has reviewed applications. For the last 6 years, he has worked for the CRDA in Atlantic City as a Regulation Officer authorized to review Certificates of Non-Conformity. Dr. Levitt said the Board accepts his qualifications.

Mr. Reid described the neighborhood and the current zoning. He referred to Exhibit A-1 showing the existing land use of the neighborhood. He described Lot 46 as having 11,950 sf, with 50 ft. of existing non-conforming frontage on Northfield Avenue and a depth width of 244 ft. Lot 47 has two separate existing dwellings, 67 ft. of existing non-conforming lot width, and 244 ft. of depth width. Lot 47 has frontage on Park Lane and Northfield Avenue. The two houses on Lot 47 are surrounded by residential uses. There are 7 to 8 houses in this existing O-P zone and it is important to note that these existing single-family homes were in the R-1 zone until 2012.

In describing the minor subdivision, Mr. Reid said proposed Lot 46 will maintain the same size and will front on Park Lane only. They require a lot area variance in the O-P zone which has a 15,000-sf requirement. They are proposing a single-family home for this lot which will front on the residential street Park Lane and this is compatible with the existing land use pattern. Lot 47 will remain the same size as well and will have frontage on Northfield Avenue only. The dwellings will remain unchanged. Variance relief is required for the undersized lot frontage and lot width. They will be eliminating the

one-yard setback that is currently non-conforming and increasing the Lot 46 lot width from 50 ft. to an average of 82 ft. width. These are minor improvements to the existing conditions.

The subdivision itself is not creating a new lot. They are reconfiguring two existing lots that are not conducive to development. They are making the lots more of a square configuration and will eliminate the narrow lot and create two lots that would meet the density requirements of the R-1 zone. Dr. Levitt asked if they should be granted the "D" variance for residential use, would they be maintaining the commercial setbacks of 45 ft. in front for Lot 46. Mr. Reid said that they are proposing 45 ft. frontage on the subdivision plan. Dr. Levitt felt that given the narrow frontage, if the variance was approved, he would like to see the 45 ft. setback as this would lessen the impact. Mr. Reid said the plan shows that.

Mr. Gemmel asked Mr. Reid to discuss the Certificate of Non-conformity being requested. Mr. Reid said the applicant must meet the burden of proof and present evidence of the history of the use. The use must have remained unchanged and unabandoned and that the use lawfully existed before the adoption of the Ordinance rendering it a non-conforming use. These two dwellings have remained unchanged and there is a history of that. Mr. Reid looked at the tax records and photos and researched the building materials, architecture of the buildings, the zoning history and assessment records which are key evidence. This will tell exactly what was there. Both buildings were constructed in 1924 and the materials were identical to each other. Full-sized lumber was used; full-sized 2 x 4's-not plywood. The structures were built with real planks. Mr. Reid referred to Exhibit A-2 which is an historical aerial showing the two structures. Zoning existed in 1944 and the Ordinance created the Planning Board. In 1953 the Zoning map designated the area as Residential A zone as shown in Exhibit A-9. In 1968 the site was also shown as a Residential district. Mr. Reid found photographs on the Atlantic County website which were very helpful. Exhibit A-3 clearly shows that there were two buildings in 1977 and later photos showing the same configuration. Dr. Levitt said clearly there are two buildings, one with a garage which may have been a stable at one time. The concern is with the second floor. He asked if it a storage area over a garage.

Mr. Reid said he is getting to that point. In 1994 there were two separate dwellings. One had two bedrooms and the other had three bedrooms. In 2010, the records were consistent with 1994. This was before the 2012 Ordinance change. The tax records show the construction was in 1924. The applicant is a contractor currently renovating them. As indicated previously, both buildings were built of the same materials including the second floor above the garage area. Since the timber was the same, it leads Mr. Reid to believe they were built at the same time. There has been a habitable space on the second floor whose frame is the same materials as the rest of the construction and it would have been prior to the 1953 Ordinance. The building existed prior to the 1st Ordinance and zoning changes. Mr. Reid believes from his experience that there is enough evidence to approve or pass judgment for a Certificate of Non-Conformity.

Dr. Levitt asked if there are any rental agreements or utility bills indicating that it had been occupied as a residence in the past. He asked if it was known if it was a rental or used for guests. Mr. Reid said he did not have that information. Dr. Levitt said in 2010 the City memorialized all of these secondary conversions and apartments and legalized them and the public was noticed and there was a time line to memorialize these non-conforming properties. This was not done at this property. Mr. Reid asked if the process was done according to MLUL 40:55D-68 which requires a ruling from the Zoning Board of Adjustment. He said that is where the process is legally approved. Mr. Doran said this was done long before 2010 and may have been 20 or 30 years ago. It was in place when he came to the City. Dr. Levitt asked if there were any rental in sections which are required if there is a change of tenant. Mr. Gemmel

said the applicant recently acquired the property and they are unaware of what the predecessor may have done. Dr. Levitt said it is relative as to whether or not it is a grandfathered use. Mr. Joseph Furst addressed the Board on this issue. He is the president of 1st Choice and purchased the property in August 2020. The property was owned by the previous owner since 1973. He has an email from the gas company stating that the first gas service on the property for both the front and rear residence was in 1971. He verbally spoke to the engineering department at Atlantic City Electric and they stated that the first service was in 1964 for both the front and rear residence. He could not receive an email since the employees are all working remotely due to Covid. Mr. Furst did meet with the sellers who informed him that the property was an estate property and that the rear residence has always been an apartment. There were grandparents living there previously, and more recently, a brother. That is the extent of Mr. Furst's knowledge. Dr. Levitt said he has no doubt that it was occupied and is heated, but he questioned if this is to be considered an accessory use to the main home as a guest house or is it considered a rental. Mr. Furst said he wants it to be considered a rental and he intends to sell the property as a duplex as Units A and B. Dr. Levitt said it wouldn't be a duplex as it is not attached. Mr. Furst said he wasn't sure what it should be called. Dr. Levitt said there is evidence that it has been an inhabited structure and he gets that, but there is no evidence that it is a rental apartment. Mr. Shippen asked, regarding the utility service, if there are two separate meters. Mr. Furst said there is a separate meter for each structure and there are two separate utility bills. Mr. Shippen felt that added credence to his argument. Dr. Levitt asked if they were paid by the owner. Mr. Furst did not know and didn't think anyone could answer that since the parents are deceased. Dr. Levitt said there are choices to consider and the Board has to decide if this can be approved as a rental apartment or an accessory use to the primary residence. Mr. Furst said he was told that he cannot have two separate dwellings on one lot with two kitchens and two bathrooms without approval from the Board. Dr. Levitt said he is looking for evidence of a previous rental unit and that the Board is not creating something that may not have previously been there.

Mr. Leeds had a question for Mr. Furst. He commented that Mr. Furst has done a considerable amount of work and he asked about building permits and when he applied for them, what did he specifically apply for. Mr. Furst says he tried to apply for two separate units and he was not allowed to do that. He was told everything was to be on one permit since it was for one address. He listed everything he was doing on the one permit for electrical and plumbing permits including two kitchens, three bathrooms, and two washers and dryers. He fully renovated both structures, a temporary stop work order was lifted, and he passed all inspections including an insulation inspection that morning. Mr. Leeds commented that it is interesting how the Building Department handles this and he would like Mr. Doran to address it later.

Mr. Reid continued his testimony. Mr. Gemmel asked if the Board decides that there is not enough evidence or constitutional rights for the two units to be on the same lot, did he believe there was enough basis to grant a use variance to legalize the two buildings on Lot 47. Mr. Reid answered that there is the question of was this a rental unit for anyone to rent or just for family. We don't know that and there is not enough information. Mr. Reid says he looks at physical evidence which shows that there are two separate and habitable units. Whether or not it was rented or a family member lived there doesn't come into play in Land Use law directly and he doesn't consider that in his review. He said it's a good point and he understands the limitations and enforcement issues. He added that the Board will make that determination as they know the town better. Dr. Levitt said there are questions about maintaining the property. Mr. Reid said given the lot size and the separation of the two buildings, he doesn't feel it changes the dynamic if the neighbors are related or not. He didn't see a negative impact. The unit is a two bedroom and shares a lot size of 22,000 sf. He doesn't see it as an intensity of use issue.

problem. Mr. Leeds asked if the unit was rented out in the past, wouldn't there have been evidence of inspections. Mr. Reid said all municipalities are different in how they handle that. This applicant was not involved in that aspect of the history of the site and found no records indicating who may have rented the property and whether or not they were family. Mr. Reid said form of ownership is not controlled by MLUL, only the use itself is controlled by MLUL. Dr. Levitt had a question for Mr. Furst and he asked is it his intention to maintain ownership or to sell the property. Mr. Furst answered that he is already under contract depending on approval and what happens here tonight. The potential owner plans to live in the house and rent the smaller unit to her sister-in-law. Dr. Levitt said the Board wants to see maintenance on this property and the new owner of record would be responsible for that. Dr. Levitt said he did receive a letter that the back of the property has been cleaned up considerably and that is good. Mr. Furst said he owns a few duplexes in Ventnor and Somers Point and he is responsible for the maintenance and upkeep on his properties. Dr. Levitt had concerns if both properties should become rentals. Mr. Furst said the new owner intends to live on the property. Dr. Levitt asked Mr. Fleishman if there was anyway the Board could condition that the main house has to be owner occupied going forward. Mr. Fleishman said that is a tricky question and he is not sure if that can be enforced. Restrictions on alienability are stringently and narrowly enforced in New Jersey. He said Mr. Reid is correct in stating that ownership is irrelevant in the Zoning application. There are two buildings and if they become legitimate, they can be used by the owner or a tenant. Any maintenance would be required by the owner and the city would look to the owner if there are issues. Mr. Shippen agreed that even if both buildings would be rented, the owner would be responsible for the entire property. Mr. Fleishman said that could be a condition of the resolution. Mr. Gemmel said if the three houses are approved, each owner would be responsible for their properties. Dr. Levitt said what if the lease states the tenant takes care of the property. Mr. Fleishman said the city would still go to the owner as being obligated and responsible for the property.

Mr. Fleishman addressed the Certificate of Non-Conformity and said this is a Zoning Board function unless a Zoning Ordinance change is less than one year, and it would then be handled by the Building Department, which clearly is not in this case. Judge Weinstein ruled on this thirty years ago when Ventnor was issuing them through the Building Department and that was deemed unlawful. If the Board denied the certificate, the question would be could the Board grant a "D" variance and could the necessary reasons under MLUL be proven to grant the residential uses being sought here.

The Board asked Mr. Reid to discuss positive and negative criteria. Mr. Reid said the existing land use pattern of the neighborhood is residential and there are seven other single-family homes that would be able to make application for a Certificate of Non-Conformity. We have a residential neighborhood existing in a commercial zone and this condition has existed since 2012. We have two single-family homes on a 22,000-sf lot, and the surrounding lots are residential and have compatible uses. He felt the Board can consider a "D" variance for this lot without any negative impact. The buildings have been there for 90 years and have been maintained as an existing residential neighborhood. This is a positive aspect and he felt this does advance the Ordinance and MLUL. He also looked at the Master Plan and said in the latest re-examination in 2012, it was recommended that this area be re-zoned to Office Professional since it is adjacent to many offices on and near Northfield Avenue. Mr. Reid said things have changed since then, and office space demand has been substantially reduced. In the past year with Covid, things have really changed with people using technology and doing remote work and the need for office space has been reduced even greater. The Master Plan recommended office space 8 years ago, but there is not marketability for that today. The point is that the residential neighborhood has been there for some time and the existing neighborhood will remain into the future. The Board needs to consider that.

Dr. Levitt said he concurs with Mr. Reid's comments. The area is surrounded by offices and in retrospect, it may have been a mistake to change the zone and the Board will need to take a look at that for the next re-examination. Mr. Reid said the residential homes were grandfathered in and they can maintain their residential homes. Dr. Levitt said he was concerned with the initial proposal that did not include the "D" variance. The Board wouldn't want to create a commercial lot fronting on Park Avenue. Dr. Levitt asked Mr. Fleishman if the Board can prohibit the use for office use. Mr. Fleishman said the Board can impose that. Dr. Levitt commented that Park Avenue is a quiet residential street. Mr. Reid said the intent is to build a residential home compatible with the neighborhood. Dr. Levitt said in reference to Lot 46, no office use will be allowed and the existing front, side, and rear setbacks will remain. Mr. Reid said, as depicted on the plan, the setbacks are 15 ft. sides, 45 ft. front, and 25 ft. rear and the building coverage will meet the requirements. Mr. Leeds asked what exhibit number he was referring to. Mr. Reid said it is the Minor Subdivision/Survey Plan prepared by James R. Boney. Mr. Gemmel said there is no exhibit number and he is referring to the large plan that was mailed out. Mr. Fleishman wanted the plan labeled and said it should have been marked Exhibit A-1, but since an A-1 already exists, the Subdivision Plan originally submitted will be marked Exhibit A-14. Mr. Fleishman said this is important since he will be including the setback conditions in the resolution and they need to be properly referenced.

Mr. Leeds said he had questions about the plan and said there are no site improvements such as driveway markings for lot 47. Dr. Levitt asked for Mr. Doran's report first and noted that the public session will need to be open as well. Mr. Doran said he agreed with the variances as discussed and Mr. Reid provided appropriate testimony. The Board needs to decide if it will grant a Certificate of Non-Conformity or move to vote on a "D" variance. He noted that the applicant did not present any site plans or plot plans and this was not addressed in his report. The application is for a Minor Subdivision. Mr. Doran noted that there needs to be two changes to the plan regarding the addition of coordinate values and plan monuments. These are technical things that Mr. Boney can do in a short period of time. He added that the applicant did a good job of addressing everything in regards to planning and zoning. Dr. Levitt questioned two off-street parking spots and driveways that are required. Mr. Reid said there are two driveways and adequate space for parking on site for each of the two units. Dr. Levitt asked Mr. Doran if they must be paved. Mr. Doran said stone parking is allowed on the site and the aprons must be paved to the street. Mr. Reid said they agree to pave the aprons. Dr. Levitt said the back of the lot is densely wooded, but asked about shade trees along Northfield Avenue. Mr. Doran said they are required every 30 ft. on center. Mr. Leeds asked about sidewalks and curb cuts. Mr. Furst said there is a curb by the mailboxes. Mr. Shippen answered Mr. Leeds by stating that there are curbs off the property line more into the avenue. Mr. Shippen pointed out quadrilateral lines on the left side and two parallel lines on the right side. Mr. Reid clarified this depicts a driveway to the rear house and the left side is a paved apron to the other driveway. Mr. Leeds commented that the Board has required sidewalks for other applications. Dr. Levitt commented that he was searching on Google Maps to see what the street looks like.

The curb line was discussed. Mr. Shippen said the apron appears to be outside of the property line. Mr. Reid said that is normal. The apron starts at the property line. Mr. Reid looked at a photo and said it is not depicted on the survey but there is an existing curb. It runs in front of the asphalt apron to the driveway shown on the opposite side. Dr. Levitt viewed the site on his cell phone and shared on the screen. He said he can confirm that there is an asphalt apron and small curb. There are no shade trees and he said there is plenty of room for trees by the mailbox and it is also a requirement. Mr. Reid said if the Board requires a sidewalk it will dead end on private property. Dr. Levitt agreed it would be a sidewalk to nowhere and there are no sidewalks along Northfield Avenue on that side. Mr. Reid added it would also encourage the public to walk on the neighbor's private property. Mr. Gemmel said they

agree to shade trees 30 ft. on center however many that would be. Mr. Reid said there must be aprons. Mr. Doran asked if they intend to finish the curb in front and waive the sidewalks. Mr. Furst said he would put in a new curb in front of the whole property line. Mr. Doran said they have addressed everything.

Dr. Levitt said he would rather handle the apartment as a Certificate of Non-conformity rather than as a variance and he asked Mr. Fleishman if there were any pros or cons to this. Mr. Fleishman answered there are not. Dr. Levitt said other residents might come in to try to obtain a variance and for consistency purposes, a Certificate of Non-Conformity would be preferred. Dr. Levitt asked Mr. Leeds if all his questions were addressed. He said they were.

Dr. Levitt opened the public session and seeing that there was no one from the public present on the Zoom meeting, he closed the public session.

Mr. Brophy asked if members of the public needed to be informed of the application. Dr. Levitt said they have been notified. Mr. Leeds said that was not brought up tonight for the record. Dr. Levitt said the Board Secretary screens the 200 ft. noticing prior to the hearing date. Mr. Reid said that is handled before the application gets to the meeting portion to assure jurisdiction.

Dr. Levitt asked for a motion for the Certificate of Non-conformity vote. Mr. Scharff made the motion. Mr. Leeds asked what would happen if the new owner decided the two-story structure in the back was too small and decided to tear it down and build something else. Dr. Levitt said the new owner can't do that. Mr. Doran said it would then require a use variance. Mr. Brophy asked if the Certificate of Non-Conformity is approved, is it transferable. Dr. Levitt said no; it is perpetuity. Mr. Reid and Mr. Rowe agreed the approval would stay with the land and property. Dr. Levitt said it would stay with both the land and the structure. Mr. Shippen seconded the motion.

The roll call vote was as follows:

Mr. Leeds-yes
Chief Newman-yes
Mr. Roegiers-yes
Mr. Rowe-yes
Mr. Scharff-yes
Mr. Shippen-yes
Chairman Levitt-yes
The motion carries.

Dr. Levitt mentioned that he wondered if this unit would qualify as one of the affordable housing units. Mr. Leeds said it does now and Dr. Levitt said he will have to speak to Ms. Cuvillo about adding it to the affordable numbers.

The second vote was described by Mr. Fleishman. The "D" variance with two conditions apply to Lot 46. The other conditions apply to the subdivision and Lot 47. The conditions are the lot may only be used for residential uses and the setbacks will remain as shown on the plan. The motion will be in the affirmative to vote to grant the "D" variance. After the second vote, the Board will vote on the minor subdivision. Mr. Shippen asked about the curb cuts on Lot 47. Mr. Fleishman said that is part of the subdivision and anything to do with the construction of the new house would be part of the construction documents submitted to the Building Department. Mr. Scharff made the motion and Mr. Rowe seconded.

The roll call vote was as follows:

Mr. Leeds-yes, as long as the Fire Department has no issues

Chief Newman-yes

Mr. Roegiers-yes

Mr. Rowe-yes

Mr. Scharff-yes

Mr. Shippen-yes

Chairman Levitt-yes

The motion carries.

Dr. Levitt said that leaves a vote on the minor subdivision and the related conditions to reconfigure Lots 46 and 47 with the conditions that the lots may be used for residential purposes only and the setbacks will remain as shown on the subdivision plan. Shade trees and curb cuts will be provided. Mr. Doran suggested including the bulk variances for Lot 46 for Lot Frontage of 50 ft. that is proposed and 100 ft. is required and also Lot Area where 11,950 sf is proposed and 15,000 sf is required. Mr. Fleishman said a few more conditions need to be included. They are aprons on Lot 47, curbing on the front property line, and the waived sidewalk requirements. Mr. Doran said sidewalks on Park Avenue should be addressed. Dr. Levitt said the Board could be silent on that for now and Mr. Doran said it would be a requirement at the time of the Building Permit. It was noted that there are curbs and sidewalks on Park Avenue. Dr. Levitt said the sidewalk would only be 25 ft. since 25 ft. would be needed for the driveway. Mr. Doran said that would not be a great cost. Mr. Doran said for the record that the Board is not waiving sidewalks on Park Avenue. Mr. Leeds asked what the required lot area is for Lot 47. Mr. Doran said 15,000 sf in the O-P zone. Mr. Leeds asked why Lot 46 is undersized and Lot 47 is oversized. Mr. Doran said when originally submitted both lots complied but it would have guaranteed a use variance would be necessary. There was a better chance of getting the Certificate of Non-conformity with the lot area being the same. It's really a technicality. If the zone had been residential, only 10,000 sf would have been required. It would have forced them into a use variance for the two units because they changed the size of the lots.

Dr. Levitt called for a motion for the minor subdivision with all the conditions discussed. Mr. Scharff made the motion and Mr. Roegiers seconded. Dr. Levitt asked for any further comments. Mr. Scharff said this area might be a good place to start a home-based business. Dr. Levitt said the Board will discuss during re-examination of the Master Plan next year. The Board may think about zoning it back to residential.

The roll call vote was as follows:

Mr. Leeds

Chief Newman-yes

Mr. Roegiers-yes

Mr. Rowe-yes

Mr. Scharff-yes

Mr. Shippen-yes

Chairman Levitt-yes

The motion carries.

Dr. Levitt said he looks forward to seeing these lots cleaned up. He complimented Mr. Furst on the good job he is doing rehabilitating the units and suggested due diligence in the future before getting involved with such a financial commitment to obtain the proper permits and to avoid a stop-work order.

The January 2, 2021 Re-organization meeting was discussed. At this time there were no applications and it was decided to include outdoor seating and electric charging stations discussions after the Re-org.

Mr. Shippen made the motion to close the meeting and Mr. Roegiers seconded. Chairman Levitt closed the meeting at 8:52 p.m.

Respectfully submitted,

Robin Atlas

Robin Atlas, Secretary to the Board