

City of Northfield Planning Board
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March 4, 2021

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 February 22, 2021, 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, March 4, 2021. 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.

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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 with the following members present or absent as noted:

Peter Brophy
Mayor Erland Chau
Joseph Dooley
Jim Leeds
Dr. Richard Levitt
Chief Paul Newman
Henry Notaro-absent
Dan Reardon-absent
Ron Roegiers-absent
Derek Rowe
Clem Scharff

Jim Shippen-absent
Councilman Paul Utts
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 35% 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 were two resolutions to memorialize for two applications from Danny Davila for Block 87 Lot 1, 1921 Cedarbridge Road for “C” Variance hardship relief for construction of a single-family dwelling on an irregular shaped undersized lot and Block 87 Lot 3, 96 W. Mill Road for an Interpretation in the affirmative. Abstentions were Peter Brophy, Dan Reardon, and Derek Rowe. The voice vote was all in favor of memorialization of the resolutions.

There was one order of business to discuss a change to Ordinance No. 3-2021 amending section 215 of the Code of the City of Northfield Governing Land Use and Development. The changes passed first reading at the City Council meeting on March 2nd and pursuant to MLUL, the matter was referred to the Planning Board for review and commentary. The Ordinance will be taken up for second reading, public hearing, and final consideration at the April 6th meeting of City Council. The changes involved Section 215-157 C-B Commercial Business District with the addition of tobacco and tobacco products as a permitted use under Miscellaneous retail and Section 215-113 Signs with additional wording about temporary signs.

Dr. Levitt said the tobacco sales is essentially a correction and may have been an error. Tobacco sales were neglected from the commercial zone and this correction added it. As to the sign ordinance changes, the Mayor asked about banners and balloons and their inclusion. Dr. Levitt said after new businesses obtain a Mercantile License, this will permit them to have temporary signs for 30 days after opening and will help give them a head start. He had no objection to any kind of temporary signs for a thirty-day period. Mayor Chau said more and more businesses are using banner signs and flags for new openings and also special events and sales and he wants it to be clear in the Ordinance that these are included. The other question is about temporary signs and for what types of sales this should be allowed and this needs to be considered. Dr. Levitt said the Ordinance doesn’t specifically address banners and

signs other than what is permitted and it doesn't address a business having a sale. It can be tough to control and we wouldn't want to see the town covered in banners, signs, and balloons. Mayor Chau said there have been times when there are storms and high winds and the banners and flags fall into the street in harms way. Dr. Levitt said there is evidence of sign creep in the City and they often aren't regulated and become an enforcement issue. Mayor Chau asked if there was a limit. Dr. Levitt said there is nothing in the proposed Ordinance and the Mayor and Mr. Scharff agreed. Mayor Chau brought up Wendy's who remodeled their hamburger store and are using banners and flags and it was not a grand opening. Dr. Levitt said it was closed for a time and they have now reopened it. He said as long as it is not a major nuisance and they take them down within 30 days it shouldn't be a problem. It should be looked at on a case-by-case basis. If they are obstructing the site triangle, if they are not being taken down after 30 days, or if they are blowing all over the place, enforcement needs to get involved. He said people have to complain to the Code Official. There is only so much you can write into these Ordinances, and you have to give Mr. Dattalo some use of power. Mr. Brophy asked if marijuana sales will be part of the tobacco and tobacco products discussion. Dr. Levitt said no, it is not part of these Ordinance changes. He said when it is finally legalized, we will need to take a careful look at what zones it may be possibly permissible. At this time marijuana is not a permitted use in any zone and is prohibited. There will need to be an amendment to the Ordinance. We are waiting for general guidelines and final legislation to come down from the State of NJ and to address our Ordinance around it. There will need to be discussions between City Council, the Planning Board, and the public. Councilman Utts said current legislation allows for a 2% excise tax and the town can decide whether or not they want it, but it is not written into law yet. Mr. Fleishman agreed with this. Chief Newman said we will not see regulated sales until later in the year. He said CDS cannabis and hashish are still illegal in certain amounts. Dr. Levitt asked about procedures if caught. Chief Newman said they can't search on odor or for probable cause and they can be charged with 3rd degree deprivation of civil rights if they do. They also can't stop juveniles for odor and cannot tell their parents. That goes for alcohol as well and it's tough as a parent to understand this. They can only issue a written warning for a second offence.

Dr. Levitt welcomed Joe Dooley to the meeting. Mayor Chau read the Oath of Office which he recited and was sworn in as Alternate #2 for the remaining time period vacated by Steve Vain.

Dr. Levitt asked Mr. Fleishman about new members and their positions as Alternates and full Board members. He said the system seems to work that if a full member resigns an Alternate that has been on the Board does not move up to a full Board member position. He asked if anything could be done about that. Mr. Fleishman said appointments are made by the Mayor and they are for the balance of the term vacated. Dr. Levitt said it is part of the MLUL. Mayor Chau responded that the appointment is the Mayor's decision by statute. He said if a full member resigned, he would look to the Alternates to fill the position and the appointment would be for the unexpired term. Mr. Fleishman noted that Alternates should expire in alternating years and no more than two in one year. He added that this really shouldn't be debated at a public hearing. Dr. Levitt asked if a full member resigned, could an Alternate with time on their appointment be moved to a full member. Mayor Chau said yes and then he could fill the Alternate position. This occurred with Mr. Rowe a few years ago. Mayor Chau said the appointment aspect is the Mayor's decision.

The discussion resumed concerning the Ordinance changes. Mr. Fleishman asked the Secretary to write a letter on behalf of the Board that the Board can respond favorably and in essence that the changes are consistent with the Master Plan. Dr. Levitt asked the Board if they had any questions or objections. There were none. Dr. Levitt asked the Secretary to let City Council know that the Board finds this amendment to the Zoning ordinance to be consistent with our Master Plan. Mr. Scharff asked about

incorporating flags and banners in reference to the Mayor's comments. Dr. Levitt said that the way signs are defined, any banner is considered a sign and it would be inclusive. Mayor Chau said flags, banners, and balloons are all forms of advertisement and he has made observations and shared his experiences and said he wants his thoughts on this to be clear. Dr. Levitt said to pass this on to City Council and Dr. Levitt added that it is discretionary with the Zoning Officer and can be tolerated for 30 days as long as there is no danger or nuisance. Mr. Scharff agreed.

Mr. Scharff said he is still working on the electric charging information and did research on Type 1, 2 and 4 chargers. The state has issued information on this. Dr. Levitt said it may be out of our hands and eventually, they may be allowed anywhere and everywhere. Mayor Chau said he has received information from Atlantic City Electric about a program for purchasing electrical units for the public for their own property and also for the City to purchase. It is being made available. Dr. Levitt said the problem is with a site with limited parking and if they designate two spaces for electrical charging, they are further limiting their parking on site. Mr. Scharff said that with the Tesla, you will get a text when the car is charged and have 5 minutes to remove the car from the station before they start charging the car owner. This is with super chargers. The Type 2 home chargers don't have this internet access.

Dr. Levitt said the next meeting is April 8th which is the second Thursday of the month, not the first. He reminded everyone to please let the Secretary know if you can't make a meeting so that we are assured to have a quorum.

Dr. Levitt closed the meeting at 7: 32 p.m. with a motion from Mr. Brophy and a second from Mr. Scharff.

Respectfully submitted,

Robin Atlas

Robin Atlas, Secretary to the Board