

**City of Northfield Planning Board
1600 Shore Road
Northfield, New Jersey 08225
Telephone (609) 641-2832, ext. 127
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April 8, 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 March 29, 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, April 8, 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.

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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.”

The first application on the agenda was for Mary Rose Pullo, Block 111, Lot 20, Second Street which is a vacant lot in the R-3 Zone. Ms. Pullo was sworn in by Dr. Levitt. She said the lot was never an independent lot on its own. It originally was part of Block 111, Lot 18 & 19 which has a house on it, but it was separate in the tax records. The lot was left to her and is in her name after her parents passed away. The lots with the house were taken over by the bank and sold, but no one was interested in purchasing Lot 20 so she kept it. She currently lives in a townhouse in West Atlantic City and wants to use the lot to plant flowers and vegetables. There previously was a metal shed on the property and she removed it and replaced it with a wooden shed. The audio connection on Ms. Pullo’s end made it difficult to hear her. Dr. Levitt noted that Ms. Pullo had appeared before the Board before for an Interpretation and was told she need to come back for a Use Variance. Dr. Levitt commented that the lot is a non-buildable, undersized lot and asked Mr. Doran to discuss his report.

Mr. Doran said this is an application for a d (1) Use Variance to construct a 250-sf shed on a single-family lot with no principal structure. The application will also require bulk variances. Mr. Doran said a primary structure wouldn’t fit on the property. The side yard setback variance for the shed is for 3.5 ft. where 10 ft. is required. He said Ms. Pullo needs to provide testimony that the lot is appropriately suited for the use she intends for it. It is a small lot and couldn’t be used for any other uses. Mr. Doran said the shed is there already and he asked if she was connecting any utilities to the shed and if she would accept the condition that nobody can live in the shed. Ms. Pullo accepted the condition that no one intends to live there and she said there will be no utility connections to the shed.

Dr. Levitt said what we have here is an undevelopable lot and Mr. Doran agreed it is well suited to its current use and someone will be caring for the lot and maintaining it and will not abandon it. Dr. Levitt asked the Board for questions. Chief Newman asked Ms. Pullo for the purpose of the shed. Ms. Pullo had connection problems and couldn't be heard. The Board was going to move on to the second applicant and try to connect later. Ms. Pullo reconnected. She answered that the shed will be used to store equipment she will be using for gardening and for maintaining the lot and for some furniture items.

Dr. Levitt opened the public session and seeing that no one wished to speak, he closed the public session. There was no further questions or testimony.

Mr. Scharff made the motion and Mr. Shippen seconded.

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 vote was all in favor. The motion carries.

The second application was from Roger & Edwina Hansen, Block 175 Lot 38, 1300 Argo Lane for an extension of a minor subdivision approval from August 2020. Roger and Edwina Hansen and David Goddard were sworn in by Dr. Levitt. Keith Davis, Esq. of Nehmad, Davis & Goldstein, PC of Egg Harbor Township represented the Hansen's. Mr. Davis said a two-lot minor subdivision was approved in August 6, 2020 and the resolution was memorialized September 3, 2020. The original approval was for a five-lot subdivision and they intended last year to present a plan for a three-lot subdivision which was changed to a two-lot by-right subdivision to avoid the need for a variance. They are before the Board tonight to seek an extension for an additional 190 days. Mr. Davis said they are attempting to actively sell the property and they have had some interest, but have not been able to secure a buyer to closing. It is possible that a potential buyer may utilize the property as it is or as the two-lot subdivision. The second reason for the request for the extension is that they have been working with Mr. Fleishman and Mr. Doran to satisfy conditions of approval. This involved a recording of the deed and the easement for the K-turn that the Board wanted on the site. Their understanding is that the easement would be executed and recorded if a building permit is ever secured for the vacant lot and if a single-family home is ever constructed on this lot. The second part of this involves the posting of a Performance Guarantee and an Inspection account. They feel it should be posted when the building begins. The K-turn may never be needed if the home isn't constructed. Mr. Davis suggested this be included with the deed so that the city knows it will be done if needed.

Another issue involves the Northfield Fire Department and the trimming of trees off-site on other portions of Argo Lane. This was discussed in detail at the August hearing when the three-lot subdivision proposal was changed to a two-lot subdivision. When this change was made a variance was no longer required. The Fire Official's letter was made in reference to the three-lot subdivision, and an updated letter was not submitted. The Fire Official was also not present at the August hearing to raise any issues or concerns. They feel they are not obligated to trim trees off-site of the property. Mr. Davis said the Fire Official later submitted an additional letter stating disapproval of the application. The application has already been approved. He added that the Fire Department's concern with fire safety access is a

Northfield obligation and responsibility. The city maintains rights of way for safety. Mr. Davis said the Board does not have the ability to require an applicant to perform offsite work. These trees are located in the public right-of-way. Mr. Davis summed up by stating they are requesting a 190-day extension, to require a Performance Guarantee at time of Building permit, and no obligation to remove or trim any trees offsite of their property.

Dr. Levitt stated the Board would deal with the Performance Guarantee issue first. He asked Mr. Fleishman for comments. Mr. Fleishman said the Performance Guaranteed can be deferred and he has discussed this with Mr. Doran who also did not see a problem. It is more of a logistical issue. It's important that someone will see this requirement when the building permit is issued. The new buyer needs to be aware of this. It does make logical sense and can be legally deferred. Mr. Fleishman clarified with Mr. Davis the time frame for the extension. His letter indicated an extension for one year but Mr. Davis mentioned at the beginning of the hearing that they were seeking a 190-day extension. Mr. Davis said he was unsure if the Board had the authority to extend the filing time beyond what the original statutory time period was. He said if the Board is willing to grant the extension for one year, that would be fine. Mr. Fleishman cited 40:55d-48g which does allow for up to a one-year extension. Mr. Davis said his client would appreciate that. He also mentioned the Permit Extension Act as further reasons for granting the extension and they are asking for one year beyond what the Extension Act has already put in place.

Mr. Fleishman clarified that there is statutory authority for Mr. Davis to request the one-year extension and the governor has imposed a moratorium on the expiration of any approval in effect as of October 2020 under the Extension Act. It tolls any limitation period that would apply. The resolution was memorialized 9/30/20 and that date starts the 190-day tolling period. The Permit Act froze everything and some portion of time will be added to the one-year extension. The time period is already stayed under Governor Murphy's order until the governor lifts the order. Dr. Levitt asked Mr. Fleishman to explain the extension as it relates to filing. Mr. Fleishman said it gives the applicant more time to resolve issues before they have to file the subdivision on record with Atlantic County.

Dr. Levitt said Captain Ben Nixon called him. He said there is room for one fire truck to proceed down Argo Lane, but his concern was if there is a fire in the subdivision, the hose truck has to travel down Argo Lane and attach to a hydrant about 1500 ft. away. As the truck drives down the street, the hose is released from the back of the truck. Once the truck is at the site, the hose cannot be driven over. The truck would block other vehicles from proceeding. The captain very strongly stated that another hydrant is needed at 500 ft. from the subdivision and he had great concern about that and felt it should have been addressed previously. Dr. Levitt said he is disappointed to get this information at this point and asked Mr. Doran about it since he had concerns about signing off on the plat. Mr. Doran said the deed came through for signatures and there was this issue with the Fire Department and with the Performance Guarantee. He didn't want to sign a deed with the Fire Department issues on record without the Board's agreement that he should do so. The Board's enforcement of the letter is the Board's prerogative. As to the Performance Guarantee, it is a protection. Normally when the deed is signed off on, a Performance Guarantee is set up to ensure the improvements are done. The Building Department will need to catch that in the letter when they go for a building permit. The lot may not be sold for 5 years and he didn't feel comfortable signing the deed with these two outstanding issues. Mr. Doran did note that he appreciated the applicant coming back before the Board to solve the issues.

Dr. Levitt said the five-lot subdivision is still in effect until the new subdivision plat for the two-lot subdivision is filed. In theory, we could still have a 5-lot subdivision. Mr. Doran said that is correct. Mr.

Davis said it is in the resolution. Mr. Leeds asked if the 5-lot subdivision showed a hydrant. Dr. Levitt said no it does not and that is the point of the Fire Department's concerns. Mr. Leeds said it obviously was a mistake back then and it was missed. Mr. Doran and Dr. Levitt agreed that there was talk of drawing water from the pond. The Fire Captain said it is brackish water and the salt water would damage the pump. Dr. Levitt asked the Hansen's if they would consider installing a hydrant. Mr. Davis said no. His client has vested development rights under both subdivisions. They submit that there are no conditions for them to put in a hydrant or to do tree trimming. Mr. Hansen has a legal lot and can proceed on those merits. Mr. Davis said they are seeking clarification. He stated that he listened to the August tape of the hearing. He then asked if Captain Nixon was here on the Zoom meeting and he noted that he was not in attendance for the August meeting. Dr. Levitt said he was unable to attend. Mr. Davis felt in fairness to his clients, the captain should be here. The memo the Fire Department submitted was for the three-lot subdivision with a variance. The two-lot subdivision did not require a variance and it was approved. The Fire Department never issued another letter and the burden no longer exists. They want to continue with the two-lot subdivision as approved. Mr. Leeds referred the June 11th letter and said it was issued prior to the August meeting and the letter asked for the trees to be trimmed. Mr. Davis said after that letter was generated, the application was amended to two-lots with no variance. Mr. Leeds said it was missed and now it is being dealt with. The trees are clearly a safety problem. Mr. Davis felt the Fire Department didn't have the right to impose that kind of condition on a public right-of-way when they were requesting no variances. Mr. Fleishman and Dr. Levitt agreed that Mr. Doran's review comment #5 references the Fire Department letter and is attached to the resolution. Mr. Davis stressed that the application changed. Mr. Leeds said the Fire Department's opinion stayed the same. Mr. Davis said the opinion doesn't have the same level of significance.

Mr. Hansen asked to comment. He said the trees are not on their property. They are 500 ft. away and have been there for the 42 years they have been there and it is a city street. He felt it to be a city problem and city property. Mr. Hansen said the city has never touched that road. The country club has trimmed the trees and the neighbors have done it as well. The city has not made sure that the road is safe. Dr. Levitt said it would have been more of a hazard with the five-lot subdivision than with the two lots. He considered conditioning this if the five-lot subdivision were ever developed. Mr. Hansen said if the five-lot subdivision was developed, they would have to connect sewer and water and install a fire hydrant. Mr. Fleishman said that approval stands at this time and they reserved their rights for that. That has already been asked and answered and is not before us to be amended. Mr. Davis said on page three of the 2010 resolution, they would need to add two fire hydrants and that has not been amended. Mr. Leeds said that the Fire Department's blessing is needed for either a two-lot subdivision or a three-lot subdivision. That's what we are talking about here. Mr. Davis did not agree. He said we are here tonight for an extension. Mr. Fleishman asked if Mr. Hansen had spoken with the fire captain. Mr. Davis said yes, there have been meetings. Mr. Goddard commented that he met with Kevin Dixon when working on the three-lot subdivision. A fire truck was brought down the road for an on-site meeting. This led them to the idea of a two-lot subdivision. Mr. Fleishman asked if there was any discussion at that time of trees and hydrants. Mr. Goddard said yes. Mr. Fleishman said the result remains the same. The Fire Department would like the trees trimmed or removed. Dr. Levitt said the captain told him that the problem was with the hoses. Mr. Leeds said there is a life safety issue here whether it is two homes or three homes. Mr. Shippen said it seems unreasonable to ask the Hansen's to deal with the trees that are not even on their property. The solution is for the city to get rid of one or two of those trees which will allow for room for additional safety equipment or ambulances. Dr. Levitt said there will be opposition from the neighbors and the city. Mr. Shippen asked who owns the property and the trees. Mr. Doran said the trees appear to be on the golf course property and Dr. Levitt said the trees on the other side are on the Hughes property. Mr. Doran said the plans aren't clear on it. Dr. Levitt asked if the

Hansen's can work with the city to install a hydrant if we grant the extension. Mr. Davis said he would like to say yes, but a hydrant costs upwards of \$92,000, so the answer is no. This will affect every homeowner on Argo Lane. It is a city issue and it should be addressed by the city. This issue will not be exacerbated by the construction of one additional single-family home. His clients will not agree to it and it is not a reasonably related request. The Hansen's agreed with Mr. Davis. Mr. Hansen said according to the Fire Department, there is a life safety issue here without the subdivision. Dr. Levitt said that they agreed to it for the 5-lot subdivision approval. Mr. Hansen said it was a requirement at the time. They worked the numbers and it wasn't practical to move forward with the five-lot subdivision. Mr. Davis said at the time, they thought a five-lot subdivision would generate more revenue which would help offset the cost of a hydrant. It all depends on market value. Mr. Hansen said they are also selling their home since they are in their late 70's and essentially live in Florida now. Dr. Levitt said Mrs. Hansen has sworn to testify truthfully and said there is no way she is in her late 70's. The Hansen's laughed and appreciated the comment. Mrs. Hansen said she remembers when Atlantic City Country Club made changes and the Planning Board said it was necessary to save the specimen trees along Argo Lane. The trees are on the city's right-of way and if removed would disturb the environment there. If a 15 ft. cartway were enforced, most of the trees on Argo Lane would have to be removed.

Mr. Fleishman said there are really two issues being discussed tonight. One is the extension and the other is the Fire Department which we don't seem to have a meeting of the minds on. He suggested voting on the extension. Mr. Leeds felt that the Fire Department concerns are a part of this tonight and he felt the Board should listen to their opinions. Dr. Levitt said their opinion wasn't available when it should have been. The hydrant was just introduced and he felt the Board would be on shaky grounds if they demanded the hydrant. Mr. Fleishman, Mr. Leeds, Dr. Levitt and Mr. Davis went back and forth discussing the extension request, the fire hydrant, the Fire Department opinion and the trees for ten minutes. Mr. Fleishman felt the extension request was a separate issue. Mr. Davis felt the Fire Department not attending either hearing to be an issue and that the approval has already been granted. Dr. Levitt reluctantly agreed with this statement. Dr. Levitt said he respects the feelings to the Fire Department and the need for fire safety, and agreed it is a city problem. Mr. Shippen said the Board can't hold up the Hansen's for two things that don't relate to the trees. Dr. Levitt stated again that the real issue is with the running of the hose. Even if the trees were no longer there, it would still be an issue running the hose since the firetrucks also have to use the road. Mr. Leeds clarified that he is not asking for a hydrant to be installed. He is referring to the June 11th letter regarding the trees and the fact that it wasn't brought up at the previous hearing. He said the Fire Department is asking to remove two trees.

Dr. Levitt suggested taking a vote on the extension with modification permitting the Performance Bonding and Inspection accounts to be set up at the time the building permits are issued. Mr. Davis said he agrees to an extension stand alone vote, but they need clarification of the bonding issue and the trees are not modification. The tree issue is not related to the minor subdivision, it relates to all the neighbors. After some discussion, Mr. Davis said Mr. Hansen will agree to give a \$1000 contribution to the city to help with the costs of trimming or removing trees. They believe it to be a city obligation. Dr. Levitt said it can also be used to help with the costs of installing a fire hydrant. Mr. Fleishman described the contents of the two motions. The first motion is to extend the current minor subdivision approval one year beyond the moratorium under the Extension Act. The second motion is to allow posting of the Performance Bond and Inspection account at the time the building permit is issued and also that they would not be required to install a fire hydrant or to trim the trees. A condition of approval is they have agreed to a \$1000 donation to the city to use for as it sees fit. Mr. Davis commented that it is not an outright donation and is to be tailored to tree trimming or removal and fire safety improvements related to Argo Lane.

The first motion was for the extension. Mr. Scharff made the motion and 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

Councilman Utts-yes

Joseph Dooley-yes

Chairman Levitt-yes

The vote was all in favor. The motion carries.

The second motion was for the timing of the Performance Bond and Inspection account and that no fire hydrant or trimming of trees would be required. Mr. Shippen said why are the hydrant and trees included here when there is no statutory reason for them to be completed by the Hansen's. Mr. Fleishman said the motion will clarify for Mr. Doran the direction and intentions of the Board so that he can sign off on the plans and allow for the signing of the deed. Mr. Doran stated that the Performance Guarantee should be posted prior to the building permit being issued for the newly created lot so that it does not get lost in the process. Dr. Levitt said it is also a professional liability as well. Mr. Fleishman framed the language of the motion and Mr. Shippen made the motion. Mr. Roegiers seconded the motion.

The roll call vote was as follows:

Mr. Leeds-no

Chief Newman-yes

Mr. Roegiers-yes

Mr. Rowe-yes

Mr. Scharff-yes

Mr. Shippen-yes

Councilman Utts-yes

Joseph Dooley-yes

Chairman Levitt-yes

The motion carries.

Mr. Davis thanked the Board for their time, patience, and cooperation.

The next application on the agenda was from Dr. David Seitman, Block 1.03, Lot 8 at 3 Cara Court for a "C" variance request to allow for onsite parking of an RV motor home in excess of 28 ft. in length and 8 ft. in width. Dr. Seitman was sworn in by Dr. Levitt. Mr. Seitman said he has been experiencing computer crashes, but he noted that all of his exhibits are available online on the city website.

Dr. Seitman testified that if not for Covid-19, he wouldn't be here before the Board. Last year he had to make a lot of decisions and is now dealing with the fallout of those decisions. He said he moved into his house in 2002 and was married at the time. His son lives in California. He likes his house and his neighbors and community. His son has had shoulder surgeries that are genetically induced. He needed more surgery last year and was experiencing a lot of pain. He asked his father for help. Then the

Pandemic was declared and flights were canceled. Dr. Seitman needed to find a way to get to California. Dr. Seitman said he has medical issues as well. He said he went to the city website and read about motor homes. He said he didn't have the most recent Ordinance for motor homes and he needed to get to California quickly as his son's wife was dealing with teaching and the children and she needed help with her husband's medical issues so he purchased an RV. The original RV he was interested in was 27 ft. but it didn't have an onboard washer and dryer which he felt was necessary, so he would need a 33 ft. RV. When he purchased the RV, he had no idea he needed a variance. Dr. Seitman said he parked the RV on the lawn and the impervious surface didn't hold up and it sunk in the mud. He hired men to build a gravel pad that would not harm the environment or make the drainage worse. He has tried to make it work. He has trimmed trees and needs to fix the impervious surface. He says the way he has it set up, you can barely see the RV.

Dr. Seitman discussed the exhibits posted on the city website and said he posted photos of other RVs in town that are parked on homeowner's property. He discussed negative criteria and said he can't fully hide the RV from his neighbor at 1 Cara Court and he understands she is present with an attorney. He asked them to refer to the Google maps photos in the packet that show the RV within the setback. He told the Board he had planted seven trees down the length of the boundary due to previous owners who took down their fence. The neighbors kept their garbage there and it wasn't always well contained so he planted shrubs as a buffer. He understands the owners at 1 Cara Court want to put up a fence and that she has concerns about her toddlers walking over and being curious. He assured her that the RV will always be locked. She is also concerned about the sight of the RV.

Dr. Seitman said he constructed a heavy ramp that he wheels out of the garage to navigate the RV over the curb. Dr. Seitman discussed parking the RV in the driveway. He said it does not fit in the driveway, but if he parks it on a diagonal and eliminates an evergreen tree at the top of the driveway, it will allow for more room and not be on the sidewalk. He will be unable to have vehicle access to his garage but he proposes to only use his garage on a once in a while basis. He said he is stuck with his decision to purchase the RV. He can't take a plane or a bus. His son will need more surgery. He tried to make a minimal impact on everyone and he thinks he has done a good job of this as compared to others in the community.

Dr. Levitt asked if he ever considered storing it. Dr. Seitman said yes, he did. He felt that wouldn't be 100% secure. The RV is a very expensive item and he has to have it near him. He has a lot of medical problems and he has to be able to load and unload things. He stated that he has an inoperable hernia. He can't be taking twenty car trips to EHT to loan and unload. He needs his medical items with him. It would make the RV an extremely inconvenient item and would take days to load.

Dr. Levitt suggested storing the RV and then bringing it to his home temporarily to load and unload. He added that the reason Dr. Seitman needs the variance is that it exceeds the requirement. For new members, he explained the hardship variance. Dr. Levitt said he understands that Dr. Seitman has had many hardships, but in terms of zoning, that's not what a hardship means. To grant a hardship variance, there has to be some unique characteristic of the property that makes the property impossible to conform to the requirements of the Ordinance such as unusual narrowness or shape. Dr. Seitman said he understood that. Dr. Levitt said Dr. Seitman did touch on the negative, but he must show how granting the variance will further zoning with light, air, and open space among other things. He said nothing in his testimony to reinforce how it would further the purpose of the Zoning Ordinance. Dr. Seitman said there are no Class A, B, or C RVs less than 32 ft. that have a washer and dryer. He needs these appliances for his medical problems which are causing the hardship and necessitating the variance.

for the length of the RV. In trying to allow for open air and space, he has tried to park the RV as far back on his property as he can.

Dr. Levitt asked the Board for questions. Chief Newman asked Dr. Seitman if the vehicle was commercially registered. Dr. Seitman said it is not a commercial vehicle. Chief Newman said he can park it in front of his home for 48 hours. Dr. Seitman said he cannot be without items for his medical needs. The Chief suggested he store items in the RV that he would typically need on the road. Dr. Seitman said he will do that as much as he can, but he also has concerns with theft. Mr. Doran referred to comments in his report and said he needs a variance for the length of the RV since his RV is 33 ft. in length and the Ordinance only allows for 28 ft. in length and 8.5 ft. in width where the Ordinance only allows for 8 ft. Dr. Seitman will need a waiver for a concrete apron and for a second driveway. If Dr. Seitman requires a new concrete apron for access, a Road Opening Permit from the City's Engineer's Office would be required. Mr. Doran said it is a tight fit. The RV cannot overhang on the sidewalk or be over the property line. If it is parked in front of the house, it will overhang the property line in the front yard. Mr. Doran noted that if the lawn area is used to store the RV the surface doesn't necessarily have to be concrete; it can be stone. Dr. Seitman said he will gain a few feet if he gets rid of the evergreen. Mr. Doran said the survey shows 26 ft. and the RV will be over the property line. Dr. Seitman said he can angle the RV with the tree removed and he referred to Exhibit A-1. Dr. Levitt said the plan to put the RV out front will not be good for the neighborhood.

Dr. Levitt informed Dr. Seitman that he will need to show how granting the variance would further the Zoning plan. Dr. Seitman said he is not sure he can do that. The environment is what it is. He has obligations to take care of his family. Mr. Doran read the statute for a C (2) variance for clarification. Dr. Levitt added that the benefit of granting the variance accrues not to the individual but to the furthering and intent of the Ordinance. In addition, you have to further the purposes of the zone plan and also show positive and negative criteria. Dr. Seitman said he is improving drainage with the gravel drive which is a pervious surface and is designed to help with water runoff.

Dr. Levitt opened the public session. Charles Gemmel, Esq. spoke first as counsel for Stephanie and Jacob Tulipan who reside next door at 1 Cara Court, Block 1.03 Lot 9.01. He said his clients have issue with the size of the RV. The application submitted included specifications of 34 ft. 8 in. long and 8 ft. 5 in. wide for the RV which is slightly larger than the testimony. He said we need to work with the right numbers and Dr. Levitt handled the variance explanation on criteria correctly and it is not being met in the testimony. Mr. Gemmel said as early as 1986, the requirement of the RV size could not be greater than 28 ft. on a single-family home property. The Ordinance has been in effect for 1986 to today. Mr. Gemmel felt Dr. Seitman did not do his due diligence before purchasing the RV. His personal hardship shouldn't be visited upon by the neighborhood. He can store the RV in a community industrial park or where zoning permits it. He needs to venture out and look into this further and not have to have it next to him at all times.

Stephanie Brittany Tulipan of 1 Cara Court, Block 1.03, Lot 9.01, was sworn in and Mr. Gemmel posed questions to her. Mrs. Tulipan testified that she lives with her husband and children next door. Her side yard abuts the RV. Mr. Gemmel asked who came first-her family or the RV? Mrs. Tulipan said they moved in as tenants in July of 2019. The RV appeared November or December of 2020. She had photos and the exhibits were marked. Exhibit O-1 was a photo of the side yard next to the garage looking at the RV. The building to the left is Dr. Seitman's house. The trees on the right are the Tulipan's. Exhibit O-2 is a side yard and back yard photo which views the RV from her yard. Exhibit O-3 is a photo of the tracks in the yard caused by the RV and the plastic and gravel he laid out from Cara Court. Exhibit O-4 is a photo

showing the view from her kitchen. She noted that the kitchen, laundry room, and master bedroom above are the rooms closest to the RV location. The photos show the visual impacts and the RV also impairs the side yard visually. Mrs. Tulipan said the vehicle is huge and weighs 30,000 pounds and is in the same weight class as a transit seat bus, garbage truck, or semi-tractor trailer. It is giant. It does not have a discreet presence. It can be seen from every angle. It impairs the view from the kitchen and is several feet from outside their master bedroom. Their bed is on the outside wall as well. They plan to have a fence and they have a permit. The highest the fence can be is 6 ft. The RV vehicle is twice that. The visual perspective is impossible to miss. The tracks that were created are terrible and it doesn't add anything positive to the neighborhood and creates mud when it rains. She did not feel it is improving runoff. Water is running off into her side yard because he got rid of the grass. The side yard has gas, electric, and air conditioning units. She had concerns with the impact on her children who are two and ½ years and 5 weeks old. There are a lot of children in the neighborhood and the big RV can be an attraction for them. That concerns her as well. She said when he returned from the last trip, there were broken windows and he drove into trees. She had concerns with his driving. She fears the children will run to check out the big RV and it could be a danger. She said she also has a medical issue and has nerve damage due to childbirth. She can't run around after the children with the brace she wears. She stated that during rainy situations, the RV shifted in the mud. The impact on her property values were negative. They were under contract in January 2021 and her agent, Tom Kimble, said the RV would have a negative impact on their property value. This RV is impossible to miss. She felt Dr. Seitman should have been diligent and found a site out of the neighborhood to park it. She appreciated his need for it, but she shouldn't bear the burden and financial impact. She couldn't understand why his RV would be a target for criminals. She noted that we live in shore towns and there are lots of tourists and they store expensive boats. She doesn't understand his concerns about theft.

Dr. Levitt asked Dr. Seitman for a response. He said he found an old Ordinance on the website, not the newer one. He commented on the neighbors and said they had been renting. The previous owner had an RV that was bigger than his. He assumed the previous owner must have gotten a variance for it. He felt he did do his due diligence. Mr. Gemmel said the 1986 Ordinance and the current Ordinance say the same thing regarding RVs and motor homes. The maximum sizes are the same. Mr. Seitman said he understands he was wrong. He was under the impression that this was allowable. He felt that was due diligence. Dr. Seitman and Mrs. Tulipan went back and forth about property ownership, and puddles of water at the back of the house due to broken sprinklers. Dr. Seitman said he fixed the problem that affected both properties. They also talked about RV class sizes and real estate values. Dr. Seitman said he researched the property values and he found no evidence that the home values had gone down. He asked Mrs. Tulipan if the wall of his house is aesthetically pleasing to her. She said it is better than the RV. Dr. Levitt asked them to restrict to relevant testimony. Mr. Fleishman agreed with the Chairman and asked that we move on. Dr. Seitman said the Tulipan's said they were planning to leave their home in three years. Dr. Levitt stressed that this is irrelevant. Mr. Fleishman said for the Board's sake that the fact that the Tulipan's are owners or renters is irrelevant. They are an interested party and have an interest in the property and are entitled to be heard. He asked the Board to disregard that testimony.

Ari Fraggia of 7 Haviv Drive, Block 1.02 Lot 45, was sworn in and spoke next. Mr. Fraggia said he doesn't agree with this whole topic and he felt the RV does diminish property values. If he was in the market to buy a house and he knew his potential neighbors had a bus on their lawn, he wouldn't buy the house or would want the price drastically reduced. Looking out the window and seeing a bus is unacceptable. He left Egg Harbor Township because his neighbors parked jet skis on their property. He felt Dr. Seitman bought a plane without a hangar. He does understand his problems; we all have them. He felt he should park it somewhere else and bring it back for loading for 48 hours. Mr. Fraggia doesn't like it and doesn't

want to see it. He doesn't understand Stephanie's calmness with all this. Dr. Seitman didn't like his neighbor's trash and put trees there, and now he put a bus there. He just can't understand how this is even a conversation and he encouraged everyone to look at the pictures. He said the house across the street sold for \$700,000 and now the new homeowner has to look at a motor home. He thinks most of the neighbors moved to this development to avoid just this.

Joe P. Massari, Jr. of 15 Dani Drive, Block 1.03 Lot 14, was sworn in next. He stated that ignorance of a law or updated laws does not excuse a person from obeying the law or Ordinance. He had concerns that this RV is like the proverbial rock going into the pond and the ripple effect that would occur. If this RV is approved, next there will be carnival trucks, jitneys, and food trucks seeking approval. Mr. Massari has lived in the neighborhood since 2001 and there are not campers parked all over the neighborhood and if they ever are, it is only for 48 hours. He had a neighbor who parked a go-cart trailer on his property and he told the neighbor it was an eyesore and he immediately sought alternative storage for it. There are children in the neighborhood and he felt it should be in storage. Also, he had concerns at night. If it is plugged in and charging, he felt there would be noise from compressors and charging apparatus. He asked about the permanent structure to secure the RV and was it allowed. Dr. Levitt said it is a temporary structure so he could drive over the curb. Dr. Seitman said it is a portable ramp that is heavy and has stable wheels and is on a cart in the garage. Dr. Levitt said temporary structures do not need Board approval.

Korin Terranova of 8 Cara Court, Block 2 Lot 5, was sworn in next. She said she completely agrees with her neighbors. She has two little girls ages 3 years and 17 months and they go for daily walks. The RV makes her nervous and she has fear that the kids will be intrigued by it and she worries for their safety. She said it is not a good look for the neighborhood and they moved from Mays Landing to get away from things such as this. Mrs. Terranova and her husband spent good money for their property and she wants to keep it safe for her girls and they not have to view something like this.

Sheila Merchant of 108 Haviv Drive, Block 1.03 Lot 13.01, was sworn in. She wanted to piggy back on what everyone else said. She has two young boys who ride their bikes in the neighborhood and they purposely picked the cul-de-sac when they purchased their home. Dr. Seitman parked it there temporarily when he was having some difficulties and it was tremendous to look at. She is afraid when her boys venture out to play that they will take an interest in it and explore or crawl under it or potentially damage it. She was fearful of their safety. She doesn't like seeing it outside her window and she said it is very concerning.

Stephanie Zaid of 15 Julie Drive, Block 1.03, Lot 25, was sworn in next. She lives a block away and also wants to piggy back on the comments made. She also has a young child and walks in the neighborhood and she is also afraid of it. She listened to the testimony and has heard no persuasive or compelling reasons why Dr. Seitman should have the RV parked on his property, but has heard many reasons why he should not.

There was no one else who wished to speak and Dr. Levitt closed the public session. Dr. Seitman gave final comments. He appreciated everyone's time and interest and he is truly sorry the neighbors are afraid of something they are not familiar with. It is large and that is why he needs the variance. The current condition of the yard is not how it is supposed to look. He rushed things and the side yard has not been repaired. He thanked the neighbors for being nice.

There were no further questions or comments from the Board. Dr. Levitt asked for a motion in the positive to grant the variance for an oversized recreational vehicle. Mr. Fleishman asked if the RV was parked in the side yard, would it need a side yard variance as well. Mr. Doran said that would only be for a structure or a building. The side yard is almost 33 ft. wide. The piece of equipment is 8.5 ft. Dr. Levitt commented that it is a registered vehicle. Mr. Fleishman said in the interest of full disclosure and since Dr. Seitman is representing himself pro bono, if Dr. Seitman is denied, he cannot come back to this Board for the same application due to Res judicata (a matter settled). He would have rights to appeal it, but the application would have to be substantially changed to come back before the Board. Dr. Levitt said Dr. Seitman can also withdrawal the application. Mr. Fleishman agreed and said he would not be refunded any fees, but he would not be subject to Res judicata. Dr. Seitman asked for an explanation of Res judicata. Mr. Fleishman said it is not in the medical journals, but it is in Black's Law Dictionary. It means you have asked the question and received your answer and it is decided and finished. You would still have appeal rights to the courts. Dr. Seitman said it seems like it would be more advantageous to withdraw. Mr. Fleishman said he cannot advise either way. Dr. Levitt said he can hire lawyers and come back to the Board. He added that he would have to re-notice and refile.

Dr. Seitman voluntarily withdrew his application and said it would probably make things easier on everybody. He thanked everyone for their time.

Dr. Levitt said we all feel terribly for your personal hardship and hopefully the neighbors can all get along and get over this. Dr. Seitman said he will have to make plans to leave. He said he doesn't have another choice. Mr. Fleishman asked about the time frame. Dr. Levitt said he is in violation. Dr. Seitman said the RV is in the shop and he expects it to be there for two or three months due to Covid and it needs a lot of repairs. Dr. Levitt said it is now a code enforcement issue and he can be sited if the RV is there for more than 48 hours.

Mayor Chau advised the Board that the sign changes to the Land Use Ordinance have been approved by Council. Dr. Levitt informed the Board that Council will have a marijuana proposal coming and it will need some zoning work.

Dr. Levitt closed the meeting at 9:53 p.m. with a motion from Mr. Shippen and a second from Mr. Scharff.

Respectfully submitted,

Robin Atlas

Robin Atlas, Secretary to the Board

