

City of Northfield Planning Board
1600 Shore Road
Northfield, New Jersey 08225
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August 4, 2022

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 July 25, 2022, 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, August 4, 2022. ***In following with the decisions of Mayor Chau and City Council, the Planning Board will be eliminating the mandatory observation of Covid-19 related social distancing measures at their public meetings. In addition, the Planning Board will continue to air the regular meetings on Zoom video conferencing for convenience of those who do not wish to appear in public.*** Formal action may be taken at this meeting.

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

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The meeting was opened by Chairman Richard Levitt at 7:07 p.m. with the reading of the Sunshine Law and the roll call with the following members present or absent as noted:

Peter Brophy

Matthew Carney-absent

Mayor Erland Chau

Joseph Dooley

Dr. Richard Levitt

Chief Paul Newman-resigned

Henry Notaro
Dan Reardon
Ron Roegiers
Derek Rowe
Clem Scharff
Jim Shippen
Councilman Paul Utts
Joel M. Fleishman, Esq.-Planning Board Solicitor
Matthew Doran, PE, PP-Planning Board Engineer

The minutes from the July 7, 2022 meeting were unanimously approved by voice vote.

The first application was from the City of Northfield, Block 175 Lots 32 & 33, 1600 Shore Road in the R-1 zone for a digital sign. Mayor Chau recused himself due to past history regarding digital signs on Shore Road and negative thoughts for these types of signs in residential areas and as a City elected official. Kris Facenda, the City Solicitor addressed the Board and Rami Nassar, the City engineer, was sworn in by Dr. Levitt. Mr. Nassar said this is a unique application under Section 31 of the Land Use Code. The City has been reviewing capital projects and they are not presenting a typical application. The City is looking for the Planning Board to review the project and give recommendations for a new sign with a digital message board. Mr. Nassar said this does not require an approval or variance. The City is obligated to present to the Board for their review and recommendations.

Dr. Levitt said the Board can make recommendations, but has the ultimate say. He asked if the Board is not in favor of the project, would Council need a super majority vote. Mr. Fleishman said he didn't think so. Mr. Facenda said this is a courtesy application. They will hear the recommendations from the Board and take them back to City Council. Mr. Fleishman asked how Council will approve this and if it was by Resolution. Mr. Facenda said it is a capital expenditure. Mr. Fleishman noted that a Bond Ordinance would require a super majority and this would be by Resolution. Mr. Facenda said the money has already been appropriated.

Mr. Nassar addressed the Board. He said the current Police Dept. sign is antiquated. The sign is back lit with changeable letters. The sign is rarely used. The City wants the City name on top and the Police want a digital board for emergency messages and public notices. The City can also use the message board for City meetings and news. The sign will serve the municipality and the residents of Northfield. The sign sits 12 ft. off the property line and 15 ft. from the sidewalk. The new sign will be the same. It will be a planter style sign with the top of the sign being 3 ft. x 8 ft. and will display the name "City of Northfield". The second and third sections will be 12 inches and will display "Municipal Complex" and "Police Department". The fourth section will be the 24-sf digital message board sign. The digital display will not be a moving sign and will be stationary unless there is an emergency. The sign will be a brick planter at the bottom with landscaping. The sign will automatically dim at night and will be controlled by the City Clerk and the Police. He said this sign will benefit the City and its residents and will be a beneficial use.

Mr. Facenda asked Mr. Nassar about power outages. Mr. Nassar said the City has a generator and the sign would stay lit from the generator's power. He added that the sign will also alert residents during

storms and it is a good project for the town, the money is already allocated, and they want to get started on the project. Mr. Fleishman labeled the sign plan on display as Exhibit A-1 and this plan was submitted with the application. Dr. Levitt said he agreed that the sign is antiquated and he said the Police built it on their own. He also agreed that the new sign is an attractive improvement. Dr. Levitt said the Board was threatened with a lawsuit from another neighbor in town over a denied LED sign application and he commented that they could sue the Board. Mr. Facenda reminded that there is no approval given by the Board and the City can still proceed. Dr. Levitt said he doesn't want the Board to set a precedent. Mr. Nassar said this sign is not like ACCC's sign which was to promote advertising for the country club. Dr. Levitt said he understands the public benefit, but his concern is the Master Plan objective to maintain Shore Road as a residential corridor. Mr. Nassar said City Hall is big and massive and is well lit at night. Mr. Scharff commented that the Ordinance states that digital signs are to be dimmed to 50 nits at night and this plan says 1000 nits. Dr. Levitt said 1000 nits is quite bright. Mr. Scharff informed everyone that the current sign is 250 nits. Dr. Levitt commented that the Capaldi sign on Tilton Road was blinding at night and it is important to not have the sign too bright. Mr. Dooley said there should be an exception for brightness during an Amber Alert. Dr. Levitt said everyone gets the Amber alerts on their phones. Dr. Levitt asked Mr. Facenda if they would conform to the standard. Mr. Facenda said he would review the Ordinance and make recommendation to Council. Dr. Levitt said there can be no moving elements and changes can't be sweeping. Dr. Levitt asked if they would conform with message change frequency as per the Ordinance. Mr. Facenda said he would relay the comments to Council and they would not want to go against the Ordinance. Mr. Brophy asked how Council justifies the LED sign. Mr. Facenda said Section 31 says they don't have to. This is a capital improvement for the City. Mr. Brophy suggested that the residents across the street won't be happy with it and commented that the country club could sue the city. Mr. Facenda said the residents may like the new sign better than the existing sign. Dr. Levitt agreed with Mr. Brophy. Mr. Brophy felt the City shouldn't do business this way. Mr. Utts mentioned that the sign currently says "NNO August 2". He said National Night Out was poorly advertised and many didn't know what the sign meant. The sign will service the public good and will allow the city to communicate with the residents. He noted that Facebook and the City website don't always do that effectively. Dr. Levitt asked if this project was advertised. Mr. Facenda said it wasn't necessary. Mr. Utts said the current sign is not a great front door to the City and something needs to be changed. The current sign is antiquated. The City wants to communicate with the public and it will be a benefit and will be aesthetically pleasing. The country club sign will not benefit the public good. The sign will also dim at night and be brighter during the daylight. Mr. Brophy said the dimensions of the sign are larger than the Ordinance allows and asked if they could tone it down. They are violating the Ordinance. Mr. Facenda said they could consider a smaller sign in black and white and he will take that back to Council.

The Board continued discussing the size of the sign. Mr. Nassar said the digital portion of the sign is 3 ft. x 8 ft. or 24 sf. Dr. Levitt said the Board can see both sides of this and considering the integrity of the Ordinance they can take the comments back to Council. He encouraged the Board to vote against this project and not set a precedence. He noted that Council will do what they want anyway.

Mr. Fleishman said there should be a resolution and Mr. Facenda said he would defer to Mr. Fleishman about whether or not there is a vote at all. Mr. Fleishman said he will draft a recommendation letter stating what the Board's position is and the motion would be made in the affirmative and a yes vote would approve of the sign. The Board's position is that the sign will conform to the Ordinance LED sign standards and the Board would like to see a smaller sign. Mr. Scharff made the motion. Dr. Levitt added that Mr. Fleishman should include language that the Board had concerns about setting precedence and standards and the Board has turned down LED signs in the past. Mr. Fleishman explained that the Board should only refer to what is in Section 231 and anything extra is dogma. The Board can indicate why they are voting the way they are voting. He advised the Board to remember this is a courtesy review. Section 31 was designed for this type of recommendation. The Board has the right to say whether they like it or not. The secretary's record will record comments and will be put into the minutes and the recommendation letter will be passed on to City Council. Mr. Clem added to his motion that inclusive of what Mr. Fleishman recommended, the motion includes that the sign will adhere to the Ordinance as to lighting and dimensions and the Board recommends a smaller sign. Mr. Shippen seconded the motion. There was more discussion about the vote. The roll call vote was as follows:

Mr. Brophy-No; He was opposed to an LED sign on Shore Road and in the R-1 zone and he encouraged the City to find an alternative way to satisfy this idea.

Mayor Chau-recused.

Mr. Dooley- No; He was in favor of the sign but opposed to the construction according to the Ordinance and to the way it was proposed.

Mr. Notaro-No; He was opposed to LED signs along Shore Road.

Mr. Roegiers-No; He said the size, LED signs, and especially the brightness of the sign concerned him.

Mr. Rowe-No; He said this sign is inconsistent with the Master Plan and the residential integrity of Shore Road. He added that the public safety nature of the sign is important and suggested the consideration of an alternate location for a municipal safety sign and perhaps putting the sign on a road more heavily traveled than Shore Road.

Mr. Scharff-No; He was opposed because he did not want an LED sign on Shore Road in a residential area. He was not opposed to a public safety sign, but felt it should be located on Route 9 and Tilton Road where the other Northfield sign is located.

Mr. Shippen-Yes; He said the sign serves a significant public interest and he hopes Council will look favorably upon the recommendations and try to limit the size and to keep the illumination level as low as possible when it's dark out.

Councilman Utts-Yes; He said the proposal to put the sign somewhere else to inform the residents is a great idea. He said he felt the City needs this sign as proposed noting the Chairman's comments concerning litigation. He understood the Board's position on this.

Chairman Levitt-No; He said the plan showed an attractive sign and is an improvement to what is currently there. He said he wanted to promote the integrity of the Ordinance and the Master Plan and to keep LED signs off Shore Road. He recommended putting the sign at New Road and Tilton Road as it would get better exposure there. Councilman Utts agreed. Dr. Levitt asked who owns that land. Mayor Chau said the City maintains the sign and he believed a \$1 donation is given to the Electric Company.

(Note from secretary-Block 41 Lot 1 was legally possessed by NJDOT in 2006 and is listed as the current owner).

The next application was from Tamin Naber (Maihan, LLC), Block 17, Lot 6.01, 333 Tilton Road in the R-C Zone for an amended Preliminary and Final Site Plan, "C" variances, and Design waivers to reconfigure parking. The attorney for the applicant was Sam Lashman, Esq. of Margate. Mr. Lashman said the property is between the Edmunds and Associates building and Denny's Restaurant. The applicant is Tamin Naber and he owns Maihan, LLC with his wife and they are the sole owners. Dr. Levitt swore in Mr. Naber and Greg Schneider, a licensed engineer from Marmora. Mr. Fleishman verified his credentials.

Mr. Schneider gave a history of the site. He said in 1993 the Planning Board granted site plan approval for an addition to the building with 41 parking spaces. The existing lot is irregularly shaped and very narrow. There are currently 4 tenants and he wants to add 2 additional tenants. The following was read into the record from Mr. Doran's report.

1) Hair Salon-3 spaces/chair-6 chairs are proposed	18 spaces required
2) Chiropractor Office-1,000 sf-1 space for each 1500 sf	7 spaces required
3) Rehab Clinic-2,000 sf-1 space for each 150 sf	13 spaces required
4) Coffee Shop-750 sf	
a) 1 space for each 75 sf	10 spaces required
b) 1 space for each 3 seats(unknown)	Unknown
5) Nursery School-1,000 sf, 1 space per 500 sf	2 spaces required
6) Health Spa-1,000 sf, 1 space per 200 sf	<u>5 spaces required</u>
Total spaces required	55 spaces required

The additional tenants are a nursery school and health spa. Mr. Schneider said the survey shows there are 51 or 53 spaces existing, but some of them encroach on the Denny's Restaurant site. The Denny's site shows railroad ties, but they actually belong to Maihan, LLC. He noted that there is also a deed overlap with Edmonds. Dr. Levitt said Edmonds owned both properties at one time. Mr. Schneider said there is a deed overlap and both owners claim the properties are theirs. They are trying to deal with what is on the Maihan site now and correct the overlap later. They are proposing to remove 2 existing spaces and add 9 spaces (9 ft. x 18 ft.) towards the rear of the property and to restripe the side portion of the existing lot and add 4 parallel spaces. The 9 new spaces to the rear are proposed to be a crushed stone surface and they are proposing a 0 ft. buffer and this is existing. The lot is shaded and there are no proposed trees and there is a basin there. Mr. Schneider said they will need to go before a judge to deal with the deed overlap between Gurwicz, Maihan, and Edmonds. The total number of parking spots is 55 spaces. They will need a C1 variance due to the shape of the lot in order to reconfigure the parking. They will also require a parking setback where 15 ft. is required and 0 ft. is proposed. Mr. Schneider discussed the Design Waivers for the new parking area. They need a waiver for the paving as asphalt is required and they are proposing crushed stone. They need a waiver for concrete parking as no curbing is proposed. They require a waiver for parking lot lighting as no new lighting is proposed. They also need a waiver for access aisle width where 25 ft. is required and 16.7 ft. is proposed.

Mr. Fleishman labeled the filed variance plan as Exhibit A-1. Mr. Brophy asked what material is currently in the area for the new parking. Mr. Schneider said stone. Dr. Levitt said they are legitimizing it since asphalt is required. Mr. Schneider said the crushed stone area is a small area. They require no additional lighting as it is already lit. He added that this is a mixed-use property with some crossover and he gave the example that someone who goes to see the Chiropractor may go to the café for coffee afterward. They don't anticipate all 55 parking spaces will be used at the same time. Dr. Levitt asked about the traffic island on the plan and if it was proposed. Mr. Schneider said it is proposed and Dr. Levitt asked what purpose it served. Mr. Schneider said it could be easily eliminated. Dr. Levitt said it is dark in that area at night and in the winter and he suggested it would be a good spot for a light as it could be a safety issue. Mr. Fleishman agreed. Mr. Naber said he thought it was well lit, but would check the area where the parking will be. Dr. Levitt said it should be made clear at the hearing and it should be nailed down this evening. Mr. Schneider and Mr. Doran agreed with Dr. Levitt and Mr. Naber agreed as well. Dr. Levitt said the light would have to be shielded due to the apartments. Mr. Schneider said they will work with the Board Engineer. He added that the project enhances the Municipal Land Use Law. Mr. Doran and Mr. Schneider discussed the parking numbers for clarification. They plan to relocate some existing parking spaces and add 9 new spaces to the rear. A total of 13 parking spaces will be added, but 4 of them are existing and will be moved. These four spaces are encroaching on Denny's property next door and these parallel spaces will be relocated and will remove the encroachment. The new 9 spaces will be in the rear of the property on the crushed stone. The coffee shop was discussed and Mr. Naber said the shop is only 700 sf and they have very few seats. Mr. Fleishman asked if the property taxes were brought up to date and Mr. Naber produced an electronic receipt. Mr. Fleishman said the taxes would be a condition of approval if they are not brought up to date.

The sign out front on Tilton Road was discussed. Mr. Naber said he is not changing the sign at this time and had used the it to display a 'For Lease' message. He is working on a design and plans to keep it the same size. He will need to advertise the 6 tenants and may want an LED sign in the future. Dr. Levitt asked Mr. Doran about the crushed stone parking area. Mr. Doran said the chances of people using it for parking are slim and it will be used for overspill parking and it is there now. Mr. Brophy asked about the plus or minus of the crushed stone parking. Dr. Levitt said it is a permeable surface which is good.

Mayor Chau asked about the railroad ties and if they were infringing on their property. Mr. Schneider said they were not infringing. The property line is not straight and the lot is irregular. Denny's has the railroad ties for landscaping up to Tilton Road and people think they can park there and whoever paved it thought it was theirs. Mr. Shippen asked if they intend to put in railroad ties to prevent people from parking in that area. Mr. Schneider said they are taking the asphalt out and improving it. Mayor Chau asked what type of nursery school they are planning. Mr. Naber said it is a 1000 sf area for babysitting and daycare and he is not sure about a playground. Mr. Fleishman said the state does have Department of Health requirements for daycares and there are requirements for outside play areas. The applicant will have to qualify and it will have to be a licensed facility. Dr. Levitt said they will have to think about drop off and pick up. He asked Mr. Naber where the daycare would be located on the property. Mr. Naber said it is in the middle next to the Chiropractor. Dr. Levitt said a few spots would have to be designated for drop off and pick up. He agreed to do that. Mr. Naber said the tenant has applied for Zoning and the parking issue did come up. He may have to look for someone else to lease the unit. Dr.

Levitt suggested he obtain more information about the daycare since there is a concern. He said items such as the children's ages and whether or not there would be after-school services need to be addressed. Dr. Levitt suggested a condition that Mr. Naber will comply with all state regulations. Mayor Chau asked about entrances for the nursery. Mr. Naber said there is one in front and another in the back. Mr. Brophy asked about the Rehab Center. Mr. Naber said it is an out-patient medical rehab clinic. Mr. Brophy clarified that it was a drug rehab facility. Mr. Fleishman asked Mr. Naber how sure he was that the nursery School will occupy the space. He answered that it has been 6 months and he is still waiting for an answer. Mr. Fleishman said a site plan for a school has many aspects. Mr. Naber said he is holding the space for her. Mr. Fleishman said the Board may need an amended site plan if a play area is needed and he would have to agree to come back before the Board. The nursery school must be licensed by the state and his concerns were for the health, safety, and welfare of the children. Mr. Fleishman asked if the building had a sprinkler system. Mr. Naber said no. Mr. Fleishman suggested that this may be a condition and he added that an amended site plan would include parking restrictions, noticing, and fees. Mr. Doran suggested that an administrative review is possible. Dr. Levitt said when the nurse school tenant is ready, she will need approval from Mr. Doran, and if it looks involved, he will tell her that she must come before the Board. Mr. Lashman said that the family owners used to live in the back and that was the original house of the family. He suggested there may be a play area that was used by their children. Dr. Levitt said there is nothing left on the site from that time, and he suggested getting an easement from Edmunds for the overlap area. The nurse school would have to have a play area contiguous with the building and sidewalks would be necessary to connect everything. Mr. Fleishman said the play area cannot be across a parking lot and suggested that this site may not work for that type of facility. Mr. Fleishman advised to submit an amended site plan to Mr. Doran and to come back before the Board and noticing will be required.

Mr. Dooley asked for more clarification concerning the rehab facility. He stated that there are no sidewalks on Tilton Road and asked how the patients get to the facility. Mr. Naber said they come by car. Mr. Dooley asked if it was a methadone clinic. Mr. Naber said it was not and it is more of a counseling facility. Mr. Dooley had concerns about the need for sidewalks for safety. Mr. Brophy asked how much traffic the facility would generate. Mr. Naber said the clinic has been there for a year and is not that busy and there is nothing suspicious going on. Mr. Lashman asked if the treatment was for individuals or group therapy. Mr. Naber said both. Mr. Brophy asked if medication was administered. Mr. Naber was not sure. Mr. Lashman said it has been existing without a problem. Mr. Scharff noted that there is Tilton Shuttle service available. Dr. Levitt felt there is a sidewalk issue and said the front parking lot basically has uncontrolled access. Mr. Schneider said there is curbing, a grass island, and there is some sidewalk. Mr. Lashman said the property is not like the old Verizon store which had a free-for-all frontage for access. He noted that the café is set back. Mr. Brophy said there are no sidewalks to the left and right. Mr. Schneider and Mr. Doran agreed that Edmunds does have sidewalks and Mayor Chau said Denny's has sidewalks as well. The Board discussed this. Mr. Dooley said sidewalks are part of the beautification of Tilton Road. Mr. Brophy asked for the frontage. Mr. Schneider said it is 125 ft. The sidewalk was discussed further and the Board looked at Google Earth for a photo of the site. Mr. Doran said there is 45 linear feet across the aisle. Dr. Levitt said the curbing on the island forces bicyclists and

those in wheelchairs to go out into the street. Mr. Schneider said that Tilton Road is a county road and they control it. Mr. Doran said that it would cost \$2000 to \$3000 to construct sidewalk along the frontage. Mr. Notaro suggested depressed curbing. Mr. Scharff suggested going around the island with the sidewalk. The Board discussed this further. Mr. Schneider labeled an aerial photo as Exhibit A-2. He said the island doesn't have sidewalk and they need to make it ADA compliant for accessible access.

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

Mr. Scharff made the motion for "c" or bulk variances for minimum required buffer and minimum required parking setback and design waivers to allow for a crushed stone gravel parking area instead of asphalt paving, no concrete curbing, an access aisle width of less than 25 ft. to allow the applicant to add nine new parking spaces and reconfigure four existing parallel parking spaces, to add ADA compliant ramps for sidewalk access on Tilton Road, to require the nursery school tenant to come before the Board for an amended site plan for drop off access and a playground if needed, additional lighting in the rear if the engineers deem it necessary, and taxes must be brought current. Mayor Chau seconded the motion.

The rollcall vote was as follows:

Mayor Chau-yes

Mr. Dooley-yes

Mr. Notaro-yes

Mr. Roegiers-yes

Mr. Rowe-yes

Mr. Scharff-yes

Mr. Shippen-yes

Councilman Utts-yes

Chairman Levitt-yes

The motion passed.

It was noted that the motion did not include amended preliminary and final site plan approval. Mr. Scharff made the motion to include this with the original motion and Councilman Utts seconded. The voice was all in favor.

The motion passed.

There was one resolution to memorialize for David B. Gatto, Block 145 Lot 3, 37 Fairway Avenue for a "C" Variance for a side yard setback for a residential addition. Abstentions were Joseph Dooley, Derek Rowe, and Dr. Levitt. The voice vote was all in favor.

Mr. Fleishman addressed the Board about the Webster application. He said they are not appearing this evening and at this point, they will have to re-notice. There have been too many extensions. He is waiting to hear from Mr. Gemmal and they will be re-doing the entire application.

Dr. Levitt spoke about emergency generators. He said the Ordinance is silent on them and he suggested setting up some standards. He suggested a 10 ft. setback. Most houses are 10 ft. on one side and 15 ft. on the other side. He said generators can be loud and he added that they should be screened if visible from the front yard. The testing schedules should be run between 9:00 and 5:00 p.m. Mayor Chau asked about back-yard generators. Dr. Levitt said the back yard units should conform to the 10 ft. setback rule as well. Mr. Brophy asked about grandfathered units. Dr. Levitt said they are not required to change. Mr. Scharff suggested the standards keep with manufacturer's recommendations regarding exhaust and fresh air for the units. Mr. Brophy said the regulations are for stationary generators which are fixed units. Mr. Doran agreed the generator owners should follow manufacturer's directions and Dr. Levitt asked him to research other town's regulations. Mr. Shippen asked what constitutes a screen. Mr. Scharff said fencing, agricultural landscaping, or decorations. Mr. Brophy asked if air conditioning screening was required. Dr. Levitt answered no. Mr. Brophy felt that residents may argue the difference between the units. Dr. Levitt said air conditioning does not generate the same level of noise.

Dr. Levitt closed the meeting at 8:50 p.m. with a motion from Mr. Scharff and a second from Mr. Shippen.

Respectfully submitted,

Robin Atlas

Robin Atlas, Secretary to the Board