

City of Northfield Planning Board
1600 Shore Road
Northfield, New Jersey 08225
Telephone (609) 641-2832, ext. 127
Fax (609) 646-7175

October 6, 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 September 26, 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, September 1, 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 7:02 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-present on Zoom

Mayor Erland Chau

Joseph Dooley

Dr. Richard Levitt

Chief Paul Newman-resigned

Henry Notaro-absent
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

There were no resolutions to memorialize.

The minutes from 8/4/22 & 9/1/22 will be approved at the November meeting.

There were four applications on the agenda this evening. The first was from NNAC Industry LLC, Block 41 Lot 10, 1442 New Road for a "c" variance for parking and a site plan waiver in the O-PB Zone. The attorney for the applicant was Leo T. Manos, Esq. of Northfield and he introduced Dr. Anebola Nnewihe, M.D. The doctor purchased the property and was told by Zoning that she would need a variance for parking. The building had been previously utilized as a general office building. The building is 2,500 sf with 1,400 sf on the first floor and 1,100 sf on the second floor. The property currently has 11 parking spaces which includes one handicapped space. 16 spaces are required. Using general office for parking at 175 sf per parking space, there was a 3.3 parking space deficiency. For a doctor's office, using 150 sf per parking space, there is an additional 1.3 space increase. Dr. Nnewihe is the only doctor at the practice and there are 3 employees. The physician's assistant and the doctor are not usually on site at the same time. It is a small practice.

Mr. Manos introduced Jason Sciuillo, Engineer and Planner, and his credentials were accepted by the Board as he has appeared before the Board on many occasions. Mr. Sciuillo prepared the plans for the project and he described the project. He said improvements have been made to clean up the building and the site. They intend to restripe the parking lot and reface the freestanding sign. A few years back, the building was beige, and it now looks sharp since it has been repainted black and white. The sign will remain the same size and they have done a general clean up on site. They need a variance for parking. The medical office on the first floor at 1,400 sf and general office on the second floor at 1,100 sf will require 15.6 spaces rounded up to 16 spaces. A site plan waiver is also being sought. Mr. Sciuillo said the doctor had an approved Zoning permit and then when she went to pick up the CO, she was told that a parking variance for an additional 1.3 spaces was necessary. If the entire building was general office, the variance would not be needed.

Mr. Sciuillo said general welfare will be enhanced and the use is a permitted use. This low intensity doctor's office will advance the purposes of land use and there will be no negative impact on the neighborhood. The doctor's office abuts a residential neighborhood as most of New Road does, but this type of use is a good fit. There will be no noise or late hours and the use will be minimal. There is no negative impact and will not be a detriment to the zone. The doctor is only requesting a 1.3 additional parking variance. Mr. Manos added they are promoting public safety by restriping the parking lot and adding a sign for a handicapped space. This will also make the site more aesthetically pleasing. Mr.

Manos added that 16 spaces are required and they have 11 spaces. When the site was all general office, the parking requirement was 14.3 spaces. They also want a site plan waiver. Mr. Sciullo added that this is for the minor nature of the work and the cleanup. He said that they also agree with all of Mr. Doran's report. Mr. Doran noted they should show the sight triangle on the plan to ensure that the proper sight lines are acceptable. He added that the address of the property needs to be added to the sign. Mr. Sciullo said there are no hours after dark and there are street lights and the Credit Union is next door. Mr. Sciullo was unsure if there was a trash enclosure and if they intended to have one. Dr. Levitt said there are existing dumpsters, large and small, and he asked their plans for them and said they are occupying a parking space. Mr. Sciullo said they are now on a grass area and suggested they could put a pad underneath. He said he was surprised to see it. Dr. Levitt said he would like to see it moved and asked if the doctor needed it. Dr. Nnewiwe said she doesn't need the large one, but she did need it when she was moving from her previous location. She asked them to move it back and right now it is next to the building on the grass. She is trying to figure out her needs. Dr. Levitt said she can't block the first parking spot and a small vinyl or other material fence or screen is required. Mr. Sciullo suggested that if she doesn't need a dumpster, she can use totes and they won't need screening. Dr. Nnewiwe said the dumpsters were used during construction. Dr. Levitt said large totes can be supplied and he noted that the current building is very attractive. Dr. Levitt asked about the medical/general office square footage. Mr. Manos said the building is 2500 sf and the first floor is medical at 1400 sf and the 2nd floor is general office at 1,100 sf. Dr. Nnewiwe said she doesn't currently have a tenant. The second floor has an office, a kitchen, and a conference room. She said she may not even have a tenant for a while. Mr. Brophy noted that for the time being, the parking spaces would be for the medical alone. Mr. Fleishman agreed that is a better situation and allows for more parking spaces. Dr. Nnewiwe said she will have 5 exam rooms, but they will never all be full since there is only one of her. Mr. Brophy asked about employees. She said there will be only three.

Mr. Manos questioned the doctor and said she is a solo practitioner, she employs one physician's assistant, and 3 employees. The hours are 9:00 a.m. to 4:00 p.m. and she has a waiting room with three chairs. She has been a doctor for 17 years and she schedules every half hour. Mr. Brophy asked if she operated a similar office elsewhere. And she said no. Dr. Levitt asked if parking becomes an issue, does she see an alternative such as carpooling or off-street parking. She was amenable to searching for an alternative if it became necessary. Mayor Chau asked what kind of practice she has. Dr. Nnewiwe said OB Gyn and women's health. Mayor Chau commented about trash pick up and said her practice is located near residential homes. He asked that she check with the contractor about when they will be picking up the trash. Mr. Doran commented that there was curbing on Route 9 and Northfield Avenue, but no sidewalks on the Northfield Avenue side. Dr. Levitt said the parking lot is too close to the curb and there is no room for sidewalks on that side. He also noted that he would not want to lose the landscaping strip. Mr. Carney questioned the signage from Zoom. Dr. Levitt said the sign is on the corner and it is existing and they are only refacing it.

Dr. Levitt opened the public session and there was no one who wished to speak and he closed the public session.

Mayor Chau made the motion as communicated by Mr. Fleishman to grant the parking variance of 11 spaces where 16 are required, a waiver of site plan as the changes to the property are minimal, a waiver of sidewalks on Northfield Avenue, a waiver of additional site lighting, the condition that the trash dumpster cannot block a parking space and there will be no screening required if the doctor decided to use trash receptacle totes, Mr. Doran's report except as modified, and Exhibit A-1 is the plan submitted with the application. Mr. Scharff seconded the motion.

The roll call vote was as follows:

Mr. Carney (Zoom)-yes

Mayor Chau-yes

Mr. Dooley-yes

Mr. Roegiers-yes

Mr. Rowe-yes

Mr. Scharff-yes

Mr. Shippen-yes

Councilman Utts-yes

Chairman Levitt-yes

The motion carries.

The second application on the agenda was Siganos Realty, LLC, Block 41 Lot 22, 1317 Tilton Road, and Block 41 Lot 24, 1335 Tilton Road, for a Minor Subdivision to reconfigure lot lines. The attorney for the applicant was Robert A. De Santo of Gruccio, Pepper, DeSanto & Ruth of Vineland. Thomas H. Darcy of Galloway, a land surveyor and professional planner, was also present for testimony.

Mr. De Santo addressed the Board and said there were two Planning Board member application packets that were sent by certified mail and were returned as undeliverable. These were for Mayor Chau and Peter Brophy. Mr. Carney's notice was not yet delivered. There was no explanation for why the Post Office did not deliver them. Dr. Levitt asked if the Board members had a problem hearing the application. Mayor Chau and Mr. Carney had no problem with it and Mr. Brophy said he had a problem with the postal service. Dr. Levitt asked Mr. DeSanto to proceed.

Mr. De Santo said Siganos Realty, LLC is seeking a minor subdivision to purchase a triangular piece of property from Lot 24 owned by Swift law Firm to add to Lot 22 which will square off the rear. The addition of the triangular piece will help with the nonconformity of Lot 22. The existing sf of Lot 22 is 7487 sf and the new lot size will be 8080 sf. Siganos also has consent from Swift to present the application. The Sigano's lot, Lot 22, is where the previous miniature golf course was located and it is now a vacant lot. The contract purchaser is Siganos and they will purchase from Swift Law Firm.

Dr. Levitt swore in George Siganos and Thomas Darcy. Mr. Darcy credentials were accepted as he has appeared before the Board many times. Mr. Darcy prepared the plans and the plan displayed was labeled as Exhibit A-1.

Mr. Darcy stated that this is a change of lot lines and will not create any new lots. There is no development being proposed at this time. Lot 24 is owned by Swift Law firm and it is located on Tilton Road east of Route 9. Lot 22 is a vacant lot that was a mini golf course and it is owned by Siganos Realty. A small triangular piece of property from the Swift lot will be purchased and added to Lot 22 and they will extend the lot line and combine it with the vacant lot which will square off the Swift property and add land to the Siganos lot. The Swift Building was built in the 1970's and Swift has occupied it since 1988. The property is completely and fully developed. There are three parking spaces in front, three in back, and a series of spaces along the rear of the property line. According to the parking requirements of the O-PB Zone, they need 10 parking spaces and they have 13 spaces. There is a common driveway on the left side and it has sufficient room for a vehicle to pass through. The driveway is shared by both businesses. There is no easement or formal arrangement. Mr. Darcy said the Board should see this as favorable. The site is improved and is mostly paved and there is 97% site coverage.

Mr. Darcy explained the conformities and non-conformities, and the setbacks of each lot from Mr. Doran's report. Block 41, Lot 24 (owned by Swift) is in the OP-B Zone. Lot area does not conform (10,000 sf is required, 10,244 sf is existing, 9,652 sf is proposed). Total coverage also does not conform (80% is required, 97% is existing, 99% is proposed). For Lot 22 (owned by Siganos) in the C-B Zone, Lot area does not conform (20,000 sf is required, 7,487 sf is existing, 8,080 sf is proposed). For Block 41, Lot 24, Lot width is an existing non-conformity (90 ft. is required, 60 ft. is existing and proposed). There are two side setbacks that are existing non-conformities as well. For Block 41 Lot 22, Lot width is an existing non-conformity (125 ft. is required, 58.97 ft. is existing and proposed). Dr. Levitt commented that one of the lots is decreasing in size. Mr. Darcy said the only non-impervious surface is the small area being removed from the lot and in this dense commercial area, a change in coverage from 97% to 99% is de minimis. Mr. Darcy said there are 13 parking spaces and they need only 10 and he agreed there are some non-conformities with the Swift property. Dr. Levitt said the 13th parking space could not be used without going onto the other property. Mr. Darcy said they have an agreeable arrangement and as a Planner, this should be considered maximizing space in accordance with the Ordinance. Dr. Levitt asked what would happen if it was sold. Mr. Darcy said they don't need the space and it could be eliminated and they would still comply. He added that the Board should say this is a condition and should allow it to continue. Mr. Brophy asked which property this driveway is located on. Mr. Darcy said both. He added it would be possible to squeeze your way through without driving over the property line, but neither owner has a problem with it. Dr. Levitt asked who occupies the other building. Mr. Darcy said it is the UBS Building. Mr. Darcy commented that there is another driveway on the other side of the UBS Building as well and can be used without going on anyone else's property. He added that this driveway is shared by Swift and UBS and not Siganos. Mr. Darcy said Lot 22 is vacant and the mini-golf course is no longer there. This is in the C-B Zone and there are pre-existing non-conforming conditions as explained in Mr. Doran's report. This lot will remain vacant as part of this application.

Dr. Levitt asked what the purpose was of doing this. Mr. Darcy said that will be addressed. As explained previously, Mr. Darcy spoke about the coverage issues and the "c" variances required. He said Lot area for the Swift lot will drop from 9,652-sf which is slightly less than the 10,000-sf required. Impervious coverage will go from 97% to almost 100%. The increase in impervious coverage will also require a "c"

variance. He added that the vacant lot non-conformities are being created, but some are existing. Mr. Darcy considered whether a C1 or C2 variance would be required and said he believed a C1 hardship variance applies due to the unusual topographic shape and that this creates a hardship. Dr. Levitt said that they are reducing the area. Mr. Darcy said the triangular area doesn't serve any functional purpose and there is no need to develop it and it forms a hardship. Mr. Darcy addressed why they are doing this. The triangular section and the 5 ft. paper alley segregate the two lots from each other. It would be better served for them to add the triangular area to the Siganos lot. Lot 22 is undersized in the C-B Zone and by connecting it with Lot 14, this can allow for future development and is what Mr. Siganos is trying to do. The C-B Zone has a 20,000-sf requirement. Mr. De Santo said the City owns the alley. The applicant would have to ask the City to vacate the 5 ft. strip and it goes nowhere. Mr. Darcy said this minor subdivision provides an opportunity for the triangle to be connected to another parcel. Mr. Darcy said that they are reducing the size of the Swift lot, but they are reducing it by less than 10%. Dr. Levitt said they are eliminating 500 plus sf of impervious surface. Mr. Darcy said the Swift lot is already 100% impervious and the triangular area they are eliminating does not affect the function of the lot, parking, or drainage and it is a wasted space. The benefits far outweigh the negatives if Siganos acquires this area of land and it is better for purposes of Zoning. Dr. Levitt asked what is happening to Lot 14. Mr. Darcy said that was where the golf course was located and it goes to Northfield Avenue. Mr. Shippen asked if the triangular area was paved or unpaved. Mr. Darcy said unpaved. Mr. Shippen noted that the top corner of Lot 24 is paved and asked if some of the pavement could be removed to allow for drainage. Dr. Levitt said it appears the goal is to have a property that will stretch from Route 9 to Tilton Road for access. Mr. Brophy asked if Mr. Siganos owned Lots 12 & 13. Mr. Darcy said that he does. Dr. Levitt questioned if it was for a parking lot and wondered if it was for access to possibly develop Lot 14 from Northfield Avenue to Tilton Road. Mr. Brophy agreed it would create a Siganos property from New Road to Tilton Road. Dr. Levitt questioned if it was in the interest of the City. Mr. Siganos said it is to make the property square and for access to the parking, but he has no plans to build at this time. Dr. Levitt expressed concerns. Mr. De Santo said it is a di minimis consideration. Dr. Levitt said this is a non-conforming property that is going to be more non-conforming. Mr. Shippen suggested taking some of the top off the triangle and make it permanent. Mr. Darcy said that is a good suggestion and he suggested a condition that if Lot 14 and Lot 22 were ever developed, there would be stormwater consideration for the triangular area and it would be compensated for at that time. Dr. Levitt said development would require a stormwater plan anyway. Dr. Levitt asked if the alley could provide access for parking on Lot 24 should there be a less magnanimous neighbor other than USB. Mr. Darcy said the alley is only 5 ft. wide. Mr. Shippen asked Mr. Fleishman if they can ask the applicant to do something to a lot they don't own. Mr. Fleishman said no and there could be an easement that exists. The Board and the applicant can't agree to anything that involves the Swift property. The Swift property is not before the Board and the Board cannot redesign their parking. Mr. Fleishman understood that there is an agreement of sale from Swift, but there can be no conditions imposed for the Swift property. Dr. Levitt asked if they should get access between Lots 14 & 22, how would that help a developer on the site. Mr. Darcy said it provides an opportunity for a pre-existing lot with respect to area to bring the lot size over 20,000 sf and it will connect it with Lot 14. Dr. Levitt asked what sort of development would be expected, such as a building, a parking lot, or more drainage. Mr. Siganos addressed the question and said it would create more space on their lot and it is for access to parking. Mr. Fleishman asked Mr.

Doran if the lots should be consolidated. Mr. Doran said they can be. Mr. De Santo reminded that there is an alley that is owned by the City, so they couldn't do that at this time. Mr. Siganos discussed that they may want to have a warehouse in the future and connecting the lots will be helpful. He could also have more retail space with more parking. His vision would be that he would have to buy the Swift property to have more Tilton Road access. He said he has almost 20 acres that are dead because they have no access.

Mr. Darcy addressed positive and negative criteria. He said due to the unusual shape of the lots and with the connection of lots 14 and 22 for future development, this substantiates the support for the "c" variances. There are three purposes of the MLUL being advanced. One is General Welfare in that future development will conform to the C-B zone and this subdivision promotes that. The second is light, air, and open space. It is true that reducing the lot size will increase impervious coverage. The C-B Zone is more restrictive and there is an advantage of combining this area which will promote light, air, and open space and this subdivision promotes that. A non-conforming lot will become conforming. It is unusual in that it also creates non-conformities, but it also creates an opportunity that will benefit the municipality in the future and will create a desirable visual environment, which is the third purpose, by combining zoning techniques.

As to negative criteria, there is no detriment to the public good and will not substantially change the neighborhood. It will decrease the Swift area, but that is not substantial. Anyone driving by the site will not even notice it. According to the Zoning Ordinance, it is not favorable to take a conforming lot and make it a non-conforming lot. In this case, the requirement is 10,000 sf and they are requesting a 5% deviation in the lot size to 9,600 sf. Mr. Darcy felt that was *de minimis*. Impervious surface is a consideration in a dense area, but he thought in this case, it is not substantial. The Board has the right to require that future development of the Siganos Lots 14 & 22 would have to compensate for the loss of impervious coverage created by this minor subdivision.

Mr. Darcy referred to Mr. Doran's report. He stated that Mr. Doran described the variances as they see them and he discussed Mr. Doran's items under #5. Under letter (a), in regards to Lot 24, there is a need for ADA compliant parking. Mr. Darcy said it is reasonable to update them and move ADA parking to the front and re-stripe. The back has a stoop and no ramp. The front is flush with the ground and a ramp would not be necessary. Mr. De Santo said he has the consent of Swift to do this. Under letter (b), Mr. Doran said access to the rear of Lot 24 parking area appears to share a driveway with adjoining Lot 21.01 (actually Lot 21.02). Portions of various parking spaces also cross both lots. Mr. Darcy said there is a sharing of driveway with Lot 21 (Lot 21 does not exist; it is Lot 21.02). It is paved straight across between the two buildings. There is another driveway on the right and the neighbors work on this together. Swift does not have a parking demand problem. Dr. Levitt asked what the square footage is of the Swift building. He noted that there has been no testimony for 10 parking spots. Mr. Doran said it is 2,000 sf. Dr. Levitt said that is fine. Mr. Doran stated under (c) that the applicant should discuss exterior storage for trash and recycling. Mr. Darcy said they have a residential container and recycling can and it is in the back of the building and not visible from Tilton Road. Mr. De Santo asked Mr. Darcy to respond to item #6 concerning the Map Filing Law and he said they will file by deed. As to #7, planting of shade trees,

both Mr. Doran and Mr. Darcy agreed there is no room for shade trees as the site is fully developed, but it should be a topic for the future development.

Mr. Scharff made the motion as was described by Mr. Fleishman for a Minor Subdivision approval with two “c” variances for Lot size of less than 10,000 sf and an increase of impervious coverage and this relates to Lot 24 since Lot 22 is part of the minor subdivision and not before the Board for any other purpose. There are four conditions of approval. Mr. Fleishman continued by stating the ADA parking space will be relocated from the rear of the building to the front of the building. A Letter of Consent will be provided from Swift regarding the ADA parking space. A Deed of Minor Subdivision will be submitted to Mr. Doran and Mr. Fleishman for approval. The future development of Lot 22 will compensate for the loss of pervious coverage from Lot 24. Mr. Doran said this will be calculated using grass and concrete figures. The conditions relate to Lot 24. The applicant will comply with Mr. Doran’s report except as modified this evening. Mr. Utts seconded the motion.

The roll call vote was as follows:

Mr. Carney (Zoom)-yes

Mayor Chau-yes

Mr. Dooley-yes

Mr. Roegiers-yes

Mr. Rowe-yes

Mr. Scharff-yes

Mr. Shippen-yes

Councilman Utts-yes

Chairman Levitt-yes

The motion carries.

Dr. Levitt addressed Mr. Siganos and commented that he has always displayed a high quality of development and it is an asset to the City. He asked him about the two digital signs that have been installed on either end of Center Point Plaza. The signs have flashing and moving elements. Dr. Levitt said Mr. Siganos replaced two attractive signs and also removed the address from the remaining sign. Dr. Levitt provided a photo of the old sign which was approved by the Board and may have required a variance for the size of it. Mr. Siganos said he applied for permits and the signs are not finished yet. Dr. Levitt said there are very strict restrictions on digital signs and they can have no moving parts. He suggested he turn them off. Mr. Siganos said that Tilton Market has a digital sign. Mr. Shippen said it meets the code and doesn’t move. Dr Levitt asked if he obtained a permit for the new Esthetica addition to the top of the sign. Dr. Levitt said with LED signs, all aspects of the sign must conform to the Ordinance in order to add LED to the sign. Dr. Levitt said we are getting a lot of negative feedback from this and he noted that this is the City of Northfield and we don’t want signs that make it look like Las Vegas. All signs must display an address to orient people to your location from the street. Mr. Siganos said he would bring plans to City Hall.

The third application was from Christine DeRias, Block 95 Lot 16, 1600 New Road, for a “d” variance to permit baking on premises in the O-PB Zone. Richard Mairone of Perskie Mairone Brog Barrera &

Baylinson of Linwood represented Mrs. DeRias. Mr. Mairone said the unit was approved in 2012 for a 700-sf café within an 8,000-sf building formerly occupied by Greens & Grains. She has signed a lease with the owner. The prior approval did not allow for baking or cooking or any type of ovens. Mrs. DeRias has been operating as an internet-based business for 18 to 24 months, and has been selling her baked goods at festivals and farm markets. She lives in Northfield with her husband and she wants to operate her business in town. Mr. Mairone said this case is basically about an oven and she wants to have a café with an oven for baking. Mrs. DeRias and William McManus, a Planner from Galloway who has appeared before this Board many times, were sworn in by Dr. Levitt.

Mrs. DeRias said she has been a Northfield resident for about 14 years and she described her business plan. She is very involved with the community and her business has been going well and she has received a lot of support. She now wants to give her business a home and since she is a baker, she wants to bake small batch scones, muffins, and cinnamon buns on premises. She has really good coffee as well and her business will complement the surrounding businesses. Dr. Levitt said he thinks the problem with Grains and Greens was seating and they wanted more of a restaurant. He asked if there was indoor seating. Mrs. DeRias said yes and Mr. Mairone said they will get into the floor plan. Mr. Mairone said she intends to occupy the same space that Greens and Grains occupied.

Mr. Mairone labeled the exhibits. Exhibit A-1 was the site plan and Exhibit A-2 was the floor plan. Mrs. DeRias said patrons can enter the store from the front entrance or from the yoga hallway. There will be a 'grab-and-go' section with bottled beverages, fruits, and light fare. There will be a baked goods display, a POS section, and a pick-up area. She described the back of the house area with sections for refrigerator and freezer, shelving, pan racks, sinks, cleaning area, work space, a coffee area, a small seating area and a restroom. The proposed convection oven will be on the back wall. She replaced the cabinetry with stainless steel. Mr. Mairone asked about hours of operation. Mrs. DeRias said she plans to be open from 7:00 a.m. to 4:00 p.m. She will be open on weekends and Sunday hours will be 9:00 a.m. to 2:00 p.m. She will be closed on Mondays. Mr. Mairone said the building complies with the O-PB Zone. Mrs. DeRias commented that she only has four stools for seating. Dr. Levitt commented that her store is across the street from a diner. Mr. Mairone said she won't be open at night.

Mr. Brophy asked if there is an exhaust system. Mrs. DeRias said the oven will be an electric convection oven and there will be no grease vapors and they don't need an exhaust system and everything related to the cooking is within the building. Mr. Brophy asked if there were any fire safety issues. Dr. Levitt commented that there was a letter from the Fire Department and they had no issues with the application.

Mr. McManus discussed the legal aspects of the variance. Mr. McManus stated he has been a Professional Planner for 34 years and a licensed Land Surveyor for 35 years and is a principal with the firm Duffy, Goldstein, McManus and Roesch and he supervised the preparation of the plan. He stated there are no neon, flashing signs and the parking is compliant. An application for this property was before the Board a number of years ago for an office building with an area in the southwest corner designated as a 665-sf café. The surrounding properties are commercial with Morgan Stanley and the

Northfield Diner across the street, Euro Colour Salon and Spa to the South, and Ronnie's Garden Center just to the North. The café was previously approved with no cooking allowed and it was a similar use to what is proposed except for the use of a small convection oven. This is a classic d(1) variance with special reasons meeting the purpose of MLUL. General welfare is advanced and it is particularly suited for the community. It is an ideal location and a café has been successful at this location. They left because they outgrew the footprint. Christine hopes for the same success, but has no aspirations for a restaurant. There is no detriment to the public good and it is not out of character or an anomaly to the neighborhood. The use does not impair the zone plan and the variance is warranted.

Mr. McManus referred to Mr. Doran's report and said they are in agreement. They will not change any of the signage and will stick with the existing square footage. They will only be changing the logo of the sign.

Dr. Levitt opened the public session and seeing no one who wished to speak, he closed the public session.

Mr. Scharff made the motion for the "d" variance to allow for a convection oven. There was a question about outdoor seating and Mr. Scharff said it is existing. Mr. Brophy seconded. The roll call vote was as follows.

Mr. Brophy-yes

Mr. Carney (Zoom)-No vote-could not hear on Zoom

Mr. Dooley-yes

Mr. Reardon-yes

Mr. Roegiers-yes

Mr. Rowe-yes

Mr. Scharff-yes

Mr. Shippen-yes

Chairman Levitt-yes

The motion carries.

The fourth application was from Philip Walter Gieseler, Block 120 Lot 11, 116 Roosevelt Avenue for a "C" variance for a covered front porch in the R-2 zone. Mr. Gieseler represented himself and appeared on Zoom. Mr. Gieseler described the project. He is seeking to construct an A-frame covered front porch. He has Zoning approval dated 7/5/22 for a proposed addition at the rear of the house and approval to enlarge the front porch, but he was not allowed to cover it. He also has approval to re-do the existing concrete driveway. Mr. Gieseler said he has all the approvals he needs except for the covered porch and he wants to have this. He wants the covered porch facing the east corner of Roosevelt Avenue and the Bike Path. There is a lot of sun in that area and it will be nice to have it covered. He did research throughout the neighborhood and there are 59 homes on Roosevelt Avenue and 32 of them have covered porches. Mr. Gieseler said he is bringing the home more into compliance. He noted that both of his adjoining neighbors have covered front porches.

Mr. Doran said the application is for variance relief to expand an existing front yard porch to include a roof structure. The required front yard setback is 25 ft., and 18.9 ft. is proposed. The roof is what makes the difference. Mr. Doran said the porch can encroach, but the covered porch makes it a primary structure in the front yard setback. Dr. Levitt asked if the covered porch facing the Bike Path needs a variance as well. Mr. Gieseler said only the front porch needs the variance. He added that the 18.9 ft was approved. The existing porch was at 20.9 ft. in the setback and this did not conform. He asked for two more feet and was approved. He needs the variance for the covered front porch. Mr. Gieseler said there are no negative aspects to his project. Mr. Shippen asked about trees. Mr. Gieseler said he did plant five Arbor Vitae. Dr. Levitt asked that he not plant Pear trees and suggested an Oak, Chestnut, or Maple tree in the front yard.

Dr. Levitt opened the public session. Jerry Breeden of 109 Roosevelt Avenue addressed the Board and was sworn in. He said that the builder is doing a great job with the renovating of the house. It is a nice addition to the neighborhood. He approves of the good work Mr. Gieseler is doing. There was no one else who wished to speak and Dr. Levitt closed the public session.

Mr. Scharff made the motion for approval of a "c" variance to allow the construction of a covered front porch. Mr. Utts seconded the motion. The roll call vote was as follows.

The roll call vote was as follows:

Mr. Brophy-yes

Mr. Carney (Zoom)-recused

Mayor Chau-yes

Mr. Dooley-yes

Mr. Roegiers-yes

Mr. Rowe-yes

Mr. Scharff-yes

Mr. Shippen-yes

Councilman Utts-yes

Chairman Levitt-yes

The motion carries.

Mayor Chau cautioned Mr. Gieseler that construction vehicles and trucks cannot use the Bike Path. He said he knows Mr. Gieseler is not doing that, but wanted to make sure he was aware of this. Mr. Gieseler said he is fully aware.

Dr. Levitt said the hour was too late to discuss emergency generators at this meeting, but the Board will send a proposal to City Council in the near future.

Mr. Dooley made a motion to close the meeting and Mr. Shippen seconded the motion. Dr. Levitt closed the meeting at 9:02 p.m.

Respectfully submitted,

Robin Atlas