

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

December 1, 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 November 22, 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, December 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
Mayor Erland Chau
Joseph Dooley-resigned
Dr. Richard Levitt

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

There were no applications on the agenda.

Anthony Pagano, an attorney with the Atlantic County Law Department addressed the Board and gave an informal presentation concerning fueling station improvements and UST Decommissioning and also Voting Machine warehouse improvements at New Road and Dolphin Avenue. The fueling station is located on Block 69 Lot 4 and the voting machine warehouse is located on Block 150 Lot 1. Mr. Pagano introduced Robert J. May, PE, the project engineer who is a fuel tank expert. The current tanks at the maintenance facility are about 30 years old. He tells all his clients not to install tanks underground since they would require independent insurance and there is the risk of leaks. The County wants to remove the tanks currently there and install above ground, double-walled concrete type tanks. They have two fueling stations. One is by the New Road side and the other is inside the fenced area and that is where most of the County maintenance trucks will fuel. Dr. Levitt asked how tall the tanks will be. Mr. May said they are 8 ft. in diameter and 9 or 10 ft. tall with a stairway and a walkway. Mr. Carney asked if there were tanks there currently. Mr. May said they are underground. He continued by explaining the process of removing the tanks in front of the fence first and installing the new above ground tanks and then proceeding with the inside the fence tanks. There will always be a functioning tank during the replacement process. Mr. Brophy asked if all the tanks would be above ground and if this is commonly done. Mr. May said they will all be above ground and it is very common today for businesses and maintenance facilities. An example of facilities that don't do this are gas stations and Wawas. Mr. May said the fueling lines run from the tank underground and they are stainless steel and double-walled underground piping. Dr. Levitt asked if there would be any additional buffering along Route 9. Mr. May said they would need guidance on that since there is a security fence and they don't want to defeat that purpose. Mr. Carney asked if there were three tanks total. Mr. May said there are two 12,000-gallon tanks for gasoline and one 25,000- gallon tank for diesel. Dr. Levitt asked if the Fire Department would have to modify any of their equipment. Mr. May said no and there has been a preliminary review done by the Fire Marshal. He noted that the tanks are state of the art fire protected tanks with a high rating. They could withstand a 4-hour fire at 2,000 degrees without breaking open. Mayor Chau asked what type of trucks would fill these tanks. A Public Works employee whose name was not mentioned said the fuel will be pressure-filled and standard tankers would be used. He said that pressure is used to fill above ground tanks and gravity is used to fill underground tanks. Mayor Chau asked where the tankers would enter the site. This question was not clearly answered and Mr. May proceeded to explain the fueling process and deliveries. Mr. Carney asked if there would be soil testing. Mr. May said yes there

will be sampling and testing and the DEP tells them what they need to do and what criteria they need to follow. Mr. Shippen asked how they will fuel the County trucks while this project is going on. The Public Works representative said the project will be in phases and there will always be one functional island and each island has both gasoline and diesel. Mr. May said there will be no disruption of service. Mayor Chau asked what would happen if there is a spill. Mr. May said regulations are different for underground and above ground tanks. There must be spill protection and the double wall piping ensures that. He gave an example of BJ's Wholesale which have concrete grooves around the fuel island to help contain spills and keep them under control. Mr. Brophy asked about the length of the project. Mr. May said about 6 months and this depends on the availability of materials.

Mr. Brophy asked about emergency vehicles being able to refuel after hours as they do now. The Public Works representative said the front gate is available from 4:00 a.m. to 7:00 p.m. and that is when they see most of the activity at the pumps. Mr. Brophy asked if they can maintain that during construction and the Public Works representative said yes and added that the Dolphin Avenue gate is on a timer. Mr. Brophy asked if they anticipate any traffic problems on Route 9. Mr. May said none that he can foresee. The construction area will be fenced off like a typical construction site. The Public Works representative said they will adjust employees as needed and they are flexible and they won't see crowds or traffic problems and the County employees fuel up at different times. Mr. Brophy commented that police and emergency vehicles encounter situations that aren't predictable. Dr. Levitt encouraged them to soften the visual effect if possible and for them to discuss any additional landscaping with Mr. Doran as a courtesy and to avoid site triangle issues.

Mr. Pagano discusses the voting machine warehouse project. There currently is an abandoned boat and trailer on the site as well as the old voting warehouse. The new project is to construct a new warehouse to be used by the County Facilities Department for storage purposes. Mr. Pagano introduced a team of three outside architects. Steve Becica of Becica Associates, LLC is the primary architect on the project. Anthony Lopez and Neil Werker were introduced as well. There was a fourth gentleman who spoke, but he was not introduced. Mr. Becica said the project area is crying for updating, especially the service drive. The building will be set back from the road 50 ft. from the right-of-way and the service drive will be straight forward. Mr. Becica said the building will be made of articulated panel and will not be a raw bare metal utility building. It will have a low-sloped roof with masonry accents.

Mr. Lopez and Mr. Werker gave an overview of the site plan. The building will be 10,000 sf and there may be one office inside. Mr. Lopez said there will be one site access to Dolphin Avenue and this will need to be widened to support box trucks. There will be 15 parking spaces and they anticipate needing 10 spaces. The Ordinance requires 14 spaces and they will be providing 15 spaces. There will be a handicapped space and ADA accessibility. Stormwater will be managed using two small scale basins and CAFRA has reviewed the stormwater plans and signed off on them. Mr. Lopez said Mr. Werker would discuss the landscaping and buffering. Mr. Brophy asked before they discuss that, would they comment on whether or not there would be tree cutting. Mr. Werker said there would be some site plan clearing along the left side and a few trees and shrubs will be removed on site. They plan to remove 5 major trees and 3 smaller trees. They are positioning the building to remove as few trees as possible. They also plan to add 53 additional trees and he added that 48 trees are required. Dr. Levitt made sure that

buffering evergreens were among the tree number and Mr. Werker assured him that they are. He added that there are 14 shade trees and they are different species of Oak trees, Birch trees, Crepe Myrtles among others. Dr. Levitt asked about the purpose of the concrete pads. Mr. Werker said they are for electrical generators and transformers. Mayor Chau asked what will be stored there. A gentleman who was not identified, but was part of the architect team, said office furniture, desks, cabinets and other miscellaneous office furniture, and cleaning supplies. Mayor Chau commented that he thought the County was looking at this site for a gunning range. The same gentleman said that they found another site for the gun range. He said there will be a training room for the Prosecutor's Office. Mayor Chau added that there have been concerns expressed for the graves in the area. The same man said if there are graves, they were located closer to the bike path and not in this area. Mayor Chau said Dolphin Avenue is not that wide and asked if there would be any increase in traffic flow. Robert D. Reynolds, a Senior Architect with Atlantic County, said they did prepare a traffic study and the proposed use would produce 5 vehicles in and 6 vehicles out in the a.m. hours and 3 vehicles in and 9 vehicles out in the p.m. hours. The use will be a very low volume with low intensity and they will not be having trucks in and out of the property all day. Chris Palermo, the Atlantic County Facilities Management Division Director, said they have been renting a warehouse in Egg Harbor City, and they are constantly moving furniture and they have nowhere permanent to store it. They need to have a place to store old furniture instead of constantly moving it. Dr. Levitt said that the warehouse is not for voting machines. Mr. Palermo agreed that it is not for voting machines. The new voting machine storage took their old storage place and now they need some new space. There will be no traffic other than the moving crew. Mayor Chau asked about night activity. Mr. Palermo said there will be none. The unidentified man said this will be low hazard storage. Mr. Brophy said that the traffic numbers don't add up. Mr. Pagano said they are the number the computer came up with and he speculated that the use will be less than what the computer numbers stated. The unidentified man said that since they eliminated the training simulation at the site, which involves night work, there will be less traffic. Mayor Chau asked about lighting. Mr. Werker said there will be light fixtures in four different areas and there will be some security lighting on the building. Mayor Chau asked if it would be LED lighting and Mr. Werker said yes. There will be one sign 15 ft. off the right-of-way. It will be a 12 sf double sided sign and they do not anticipate illumination. Mr. Shippen commented that the plan shows a 50 ft. setback and he noted that the scale appears to be off. Mr. Werker said the scale is reduced half size for printing purposes. Dr. Levitt commented that he appreciates the County's courtesy of coming forward with information about the project, but doesn't understand the financing aspect. Mr. Brophy noted the Bike Path is listed as Linwood Bike Path and pointed out that it should be Northfield Bike Path. Mr. Reynolds said the information was obtained by Google Earth is not always accurate. Mr. Palermo told the Board that they do an incredible amount of moving of furniture. Mr. Fleishman reminded them to make sure and shield the lights. Mr. Pagano said they do whatever they need to bring the project into municipal compliance. Mr. Fleishman said the address number must appear on the sign as well. Mr. Pagano said they intend to add extra landscaping in front of the building.

Dr. Levitt opened the public session. Mrs. Joan Brennan of 116 Dolphin Avenue asked how long the project will take. Mr. Werker said it will take 12 to 16 months. Mrs. Brennan commented that she heard that it could take up to two years. Mr. Werker said that would be because of supply chain issues. Dr.

Levitt commented that he had concerns for the neighbors. Mr. Werker said it is a slow process and will be completed in phases. There will need to be clearing, they will need to erect steel, and fit out the electrical work and mechanicals. Dr. Levitt suggested they not begin the site plan work unless they are sure they can proceed with construction. Mrs. Brennan commented that there is no parking on the street and now they will experience construction and large equipment vehicles and she and her neighbors had concerns about that. Mr. Brophy asked if they could enter the site from another access. Mr. Reynolds said there is only one access from Dolphin Avenue available. They will install a silt fence and will obtain a stormwater permit and this will be monitored. He noted that contractors will be coordinated. Mr. Brophy expressed concerns that the residents will have to look at a construction site for 16 months or longer. Mrs. Brennan said it can be up to two years and she knows this from attending County meetings about the project. Mr. Werker said there will be some prep work and it will be timed. He said when the deliveries are completed the construction will be done quickly. Mr. Carney asked if there was a legal time frame. Various members on the Board said no. Mr. Palermo described the scheduling of the construction. He said the contractors want to get the work done. They don't want to stop and start and they want the project to flow. Mr. Pagano said they will police the scheduling.

Eileen Toland who resides at 4304 Dolphin Avenue was present on Zoom. She said she was having difficulty hearing on Zoom. She asked if this is the building that is going to be built near the dentist's office. Mr. Pagano said it is next to the existing warehouse near Dolphin Avenue and New Road. Ms. Toland commented that it is about 100 ft. from New Road. Mr. Werker said it is in between First and Second Streets. Ms. Toland commented that there is a building there that is loaded with old desks, chairs, and furniture. Dr. Levitt said the County doesn't acknowledge that they have that. Ms. Toland said it was there a few years ago and she suggested selling the items for scrap metal and to not store them. She said it is all junk. Ms. Toland said she could not hear the answer the County gave about the burial grounds and asked if something will be done to protect the area. Dr. Levitt said they have no record of graves in the area they are improving. If something turned up during construction, they would have to stop and acknowledge that. Ms. Toland said there are 200- to 300-year-old graves there and the contents would be dust and ash. She said she is a geologist and she has concerns about the burial grounds and said when things are built on top of burial grounds, the burial grounds are put in the back of a truck. Dr. Levitt asked Mr. Pagano to comment on what would happen if remains are found. Ms. Toland said they should test before digging. Mr. Pagano said they have researched the site where the Potter's Field exists and they will not be doing improvements in that area. He said this tract of land has been wooded and work would stop and the appropriate authorities would be called in. Mr. Pagano did not believe this would occur. Mrs. Brennan said they should radar the property before digging. Mr. Pagano said that would not be necessary in the location where they will be working. Mrs. Brennan said people were buried all over because of the Alms House and the indigen people. She has concerns that some of the areas have not been radared. She added that this was the first Atlantic County burial ground. Mr. Pagano said there is no indication of that based on research. Mrs. Brennan said she doesn't trust that. Mr. Pagano said her point is well taken. Dr. Levitt closed the public session seeing no one else who wished to speak. He also thanked Atlantic County for their presentation.

Dr. Levitt commented that the minutes from the November 2, 2022 meeting needed to be approved. Mr. Shippen made the motion and Mr. Carney seconded the motion. The voice vote was all in favor.

Mr. Brophy addressed the Board with a motion that future Planning Board meetings begin with the Flag Salute. Dr. Levitt commented that the Planning Board has never started their meetings with the Flag Salute and the members want to commence with the meeting and get the work done. Mr. Carney seconded the motion. The roll call vote was as follows:

Mr. Brophy-yes

Mr. Carney-yes

Mayor Chau-yes

Mr. Notaro-no

Mr. Reardon-no

Mr. Scharff-no

Mr. Shippen-no

Councilman Utts-yes

Chairman Levitt-no

The noes have it 5-4 and the motion failed.

Before proceeding with other business, Mr. Palermo and Mr. Pagano mentioned that the existing slate roof needs to be replaced. The roof has a lot of repair issues and it even collapsed in the Commissioner's meeting room area. Dr. Levitt said he will hate to see the slate roof go and has admired the roof architecturally for a long time. He asked if they looked into repairing the roof as opposed to totally replacing it, which will be costly. Mr. Palermo said it is a process like every other project and it needs to be investigated. The slate is very brittle. The building in question is the Shoreview Building. Mr. Palermo said they do make shingles that appear to look like slate and that is a possibility. Mr. Pagano said it is a very visible building. Dr. Levitt told them they know the Board's feelings on the matter and the Board encourages you to look into something that will look like slate. He mentioned a home on Wabash Avenue that replaced their roof with synthetic slate and it is hard to tell the difference. Mr. Scharff said there is a company in Philadelphia on 2nd Street that still makes original materials and could provide information. He said the name is Storch & Sons. Mr. Shippen said there are two kinds and one product lasts longer than the other. Synthetic slate roofs can need a lot of patching over time. A totally maintenance free roof would be a metal roof and would last a long time, but would not be as aesthetically pleasing. Dr. Levitt said the Board would prefer something to look like slate.

Dr. Levitt proceeded to discuss other Board business and began with Generators. He said there is nothing in the Ordinance that addresses generators. Dr. Levitt said Mr. Doran researched other town's Ordinances and there are some items he felt the Board could agree on. The Board reviewed the Ordinances from Margate and Longport and Mr. Scharff said everything under letter "G" looks good. Dr. Levitt said the generator should be buffered from view in the front yard and no closer than 10 ft. from the property line. He saw no reason that it couldn't be run on the weekend. Mr. Doran said the run time can be set by the owner. Mayor Chau said the timing should be grandfathered. Mr. Scharff said it is simply like programming your phone. Mayor Chau and Mr. Shippen discussed permit records and if they

are pre-existing to the Ordinance there is nothing that can be done about it. Mr. Brophy noted that there probably won't be people checking on it. Mr. Shippen said if there is a complaint, then it is an issue. Dr. Levitt said the time is more important than the day of the week. He suggested 10:00 a.m. to 2:00 p.m. or even as late as 6:00 p.m. The Board agreed with 10:00 a.m. to 4:00 p.m. Monday to Sunday with landscape screening in the front yard. Mr. Brophy wanted clarification about existing generators. Dr. Levitt said they would be grandfathered. Dr. Levitt suggested the screening could be fencing or dense evergreens. Mr. Shippen suggested the Board be specific. Mr. Scharff thought it should be the same as with air conditioners. Mr. Doran asked that the fencing be specific. Dr. Levitt said solid fencing or staggered evergreens. Mr. Doran asked the Board if this is just for residential properties and if it would be the same for commercial properties. Mr. Scharff said it is best for sound if in the front of the property. Mr. Shippen added that a lot of houses have utilities coming into the house from the front. Dr. Levitt said he would agree to a 15 ft. front setback if screened. Councilman Utts said his generator is in front and he said it can't be close to a window. Dr. Levitt said 15 ft. is reasonable. He added that there are technical specifications for both residential and commercial generators. Mr. Doran said the Board needs to be specific for existing buildings that may want to install a generator. Mr. Scharff said the size might be an issue for commercial properties, but he added that they are bigger and quieter units. The Board continued reading through the Ordinance example presented. They decided to strike out G-8 which stated that 'no units shall be placed more than three feet from the principal or accessory structure'. Mr. Shippen said to add they cannot be placed close to a window. Dr. Levitt said electrical inspections are standard. Mr. Doran said to be specific about commercial and to note if all zones are included. Mr. Fleishman brought attention to G-10 which said for other single family detached construction, application must be made to the Planning Board for approval to assure compliance with setback and coverage requirements for commercial properties. Dr. Levitt said if the generator conforms, why make them come in for a variance. Mr. Brophy said the parameters should be the same for all. Mr. Fleishman suggested that application must be made if they can't comply with regulations. Dr. Levitt gave an example of the City generator in back of City Hall which is bigger than 60 kw. Mr. Scharff discussed G-6 and said to take out the zoning parameters. This Board would like to have the generators no closer than 10 ft. This Ordinance would make sense for Longport at 4 ft. since they have smaller lots there. Mr. Doran said he will write up the Ordinance and have it ready for the next meeting.

The next discussion was about EV charging stations. Mr. Doran said the state is coming up with guidelines. Dr. Levitt asked him to check on it and we can add something to the Ordinance.

Dr. Levitt commented that the Board must review the Master Plan and now is the time for it. Mr. Doran said the Board has to review the goals and objectives first and then come up with new goals if need be. He noted that the Board does not have to necessarily change the Master Plan or Ordinance. Mr. Doran said he will start the review. Dr. Levitt said the state requires sustainability requirements and climate change objectives. Mr. Scharff said there are flood plan changes as well. Dr. Levitt said this will require additional compensation for the professionals and may not be in the purview of their contracts. Mr. Doran said the Board will be re-evaluating and we don't have to re-write the Master Plan. Dr. Levitt asked how funds are allocated for the Master Plan work. Dr. Levitt asked Mayor Chau to look into the method for compensation. Mr. Doran said he will come up with a cost estimate. Mr. Fleishman said his

cost estimate would not be substantial since it is more of a Planning document and there will not be a lot of legal work involved. Mr. Fleishman commented that the Board is beyond 10 years and there should be a re-visit accordingly. He also commented to Mr. Doran that there may be EV standards in place. Mr. Doran said he will look into the EV standards and added that there is a danger if the Board is sued and the Master Plan is challenged. Mr. Fleishman gave an example of an application being denied based on it not being consistent with the Master Plan. The applicant could then sue the Board.

The next item to discuss was the Tree Ordinance. Dr. Levitt said Mary Canesi, the City Clerk, was dealing with a tree issue with the Zoning Department and needed to refer to the Tree Ordinance. They both found the Ordinance section to be unclear. There are restrictions on the cutting of trees and allowable sizes for cutting and it has not been enforced. Dr. Levitt noted that there are some trees on Yorkshire Avenue that were over 3 ft. in diameter and they have been cut down. The Ordinance came about when the Margate Bridge lot was clear cut to make room for homes. Mr. Shippen noted that the tree cutter usually gets the blame. Dr. Levitt referred to Land Use Ordinance 215-164. Mr. Scharff said the DPM diameter of the tree is measured at chest height and when the Land Use book was codified, it became harder to navigate the Ordinance. Dr. Levitt said the section is over 12 pages and he suggested the Board look at this section and reminded them to bring their Land Use books to the meetings. Councilman Utts and Dr. Levitt agreed that tree cutting of large trees is being done and residents say the trees are injured or diseased. Dr. Levitt said we really need to look at what to do with this section of the Ordinance. Mr. Scharff said the intent was to prevent clear-cutting and to allow up to three trees to be cut per year and also allow diseased or damaged trees to be taken down. Dr. Levitt said if a specimen tree needs to be removed, they need to come before the Planning Board to make a case for removal. Dr. Levitt said if it is necessary to remove a specimen tree, residents were supposed to pay into a City Tree Fund and he does not believe there is such a fund. Mr. Shippen said when solar panels are being installed, sometimes trees have to be removed. Dr. Levitt said so we are helping with global warming, but at the same time cutting down trees. The Ordinance does allow for the cutting of three trees per year. Mr. Shippen suggested doing their homework and discussing at a future meeting. Dr. Levitt said the problem exists with what can or cannot be cut. Mr. Carney said some residents have a problem with large trees at the curb line and it can be difficult getting out of cars. Dr. Levitt said healthy trees that are not causing damage should not be removed. Mr. Shippen asked who is responsible for broken curbing. Dr. Levitt suggested contacting the Zoning Officer and added he doesn't want to overburden the property owners, but there needs to be a balance.

At this point, Mr. Notaro made a statement that he has reconsidered his position on the Pledge of Allegiance vote and would like to bring it back to the table. Mr. Notaro made a motion for a re-vote. Mr. Brophy seconded the motion. Mr. Notaro gave the reason that there is too much anti-American sentiment and he would like to change his vote. Mr. Fleishman commented that all public meetings start with the Pledge of Allegiance. The roll call vote was as follows:

Mr. Brophy-yes

Mr. Carney-yes

Mayor Chau-yes

Mr. Notaro-yes

Mr. Reardon-yes
Mr. Scharff-yes
Mr. Shippen-yes
Councilman Utts-yes
Chairman Levitt-no
The motion carries.

Mayor Chau said he accepted the resignation of Joseph Dooley from the Planning Board. He is moving out of the County. He also thanked Councilman Utts since this will be his last meeting as City Council liaison. He thanked them both for their dedication and for their valuable participation and he said the Board will miss you both and he wished them the best. Dr. Levitt agreed with Mayor Chau that their work with the Board has been very valuable. Councilman Utts said he is both a resident and has been an applicant before the Board. He thanked the Board Professionals and the Secretary for their work and the Planning Board members who are volunteers. He appreciates everyone's work and as a resident, it has been a pleasure working with everyone and it is important work that you do.

Dr. Levitt announced that the Planning Board Re-organization meeting will be Thursday, January 5, 2023. He also noted that the Board did not advertise for professionals as everyone is happy with the current professionals and the work they do and it is not necessary to advertise.

A quick discussion about the Cannabis vote that was passed Election Day which will allow sales in the R-C Zone past Debora Avenue followed. Mr. Fleishman said City Council has to act to approve Ordinance amendments. The Planning Board only makes suggestions, but does not change the Ordinance.

Mr. Shippen made the motion to close the meeting and Mr. Scharff seconded. Dr. Levitt closed the meeting at 8:47 p.m.

Respectfully submitted,

Robin Atlas

Robin Atlas, Secretary to the Board