

City of Northfield Planning Board
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December 7, 2023

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 25, 2023 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 if applicable.

The **REGULAR** meeting of the Northfield Planning Board was held on Thursday, December 7, 2023. ***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 7:00 p.m. with the reading of the Sunshine Law and the roll call. The following were present or absent as noted.

Peter Brophy
Matthew Carney-absent
Mayor Erland Chau
Councilman Eric Leeds
Dr. Richard Levitt

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

The meeting began with the Pledge of Allegiance led by Mr. Brophy.

Mr. Scharff made the motion to approve the minutes from the November 2, 2023 meeting. Mr. Shippen seconded the motion. The voice vote was all in favor.

The first application for this evening was for Plastic Spoon, LLC for Block 82, Lot 8.01 at 2318 New Road for a request of a prior condition of approval. Elias T. Manos, Esq. represented the commercial application. The property is located in the C-B zone. He was not the attorney for the original application in July 2021 when Plastic Spoon, LLC was approved for a site plan waiver, conditional use for an ice cream/retail store with bulk variances and design waivers. A d(3) use variance was granted with a specific condition No. 10 that there would be no cooking aloud other than the use of small electrical appliances such as a hot dog roller, small air fryer or waffle machine.

Mr. Manos said the applicant believed that the originally approved use would thrive. Due to competition issues with the opening of Jersy Cow and Twist in Linwood and staffing issues, this turned out not to be the case. They want more flexibility and are seeking to eliminate the no cooking limitations. They would like to be able to use a fryer and gas oven. Mr. Manos said there are 13 parking spots on site. They would like the ability to add a few seats indoors, but would not be increasing the seating. They would eliminate some of the outdoor seating. The size of the building is 817 sf and they are not requesting any changes to the building footprint. They simply want the ability to add some cooking and the procedure in Land Use Law states this elimination is allowed. Mr. Brophy asked what the motivation was. Mr. Manos said the building is for sale and the owner has been approached by 3 or 4 interest parties. They were told by the Zoning Officer about the no cooking condition and none of them wanted to come before the Board to seek relief. They were not present at this meeting. Dr. Levitt said there are parking concerns. Mr. Brophy commented that it is routine for customers to park in the neighboring vacant auto lot and in the office lot on the other side. He said there is a problem with the narrowness of the site and it is not inviting. It is easier to park next door in the empty lot, but that is for sale as well and eventually things will change.

Mr. Manos gave an example of a similar approval for Beach Buns Bakery in the O-PB zone which is more restrictive. They were approved for baking and had to obtain a use variance. They were successful. A discussion as to whether or not a use variance would be required ensued. Mr. Fleishman suggested they proceed with the elimination. The Board would have the power to grant it if they think the site is suitable.

Dr. Levitt swore in Jay Sciallo, an engineer and planner and Ari Frangias, the owner of The Sweet Spot. Mr. Sciallo said he prepared the original plan and he displayed a color version of the site plan and this is the same plan submitted with this application and it was labeled Exhibit A-1. There are 13 parking spaces and 24 picnic table seats. The turnover is more intense than a restaurant with people generally eating quickly and leaving. That would continue. They have more parking than similar shops such as Rosie's Garden Grill and Chico's sub shop. Mr. Sciallo felt the justification still stands whether they do bake goods or sandwiches. With the parking they could have as many as 39 seats, but he felt that would not work here. He said the intensity would decrease with the allowance of cooked items and the building will not be changing. Dr. Levitt wanted to know how many tables they would like inside. Mr. Sciallo said two at most.

The site was discussed and whether or not if the condition for cooking were to be allowed, would the use still be suitable at the site. Mr. Sciallo felt it would be suitable. Mr. Frangias said they are not before the Board because a sale is contingent on this approval. He said it is survival for them and now they have no choice. He added that whether they sell it or run it themselves, they need to be open by January or February to survive. Dr. Levitt asked what type of business uses have enquired about operating there. Mr. Frangias said hoagie and sandwich places and a bagel shop. He added that some have expressed interest in keeping the ice cream. Mr. Fleishman said it sounds like Jessie's in Linwood and they have expanded and are doing nicely. Mr. Frangias said they may decide to just add a bar counter. Dr. Levitt commented that Twist in Linwood is now offering breakfast to expand their menu. To survive, they may need to change things.

Councilman Leeds said he knows he can't vote on this application, but he wanted to add that he knows Mr. Frangias and when he puts his name behind something he stands behind his business. He has other businesses in the area and they are spectacular, He thanked him for his generosity in feeding the Northfield Fan when they won the championship and for his contributions to the community.

Mr. Brophy asked about the neighboring residential property behind The Sweet Spot. Mr. Sciallo said an easement was previously created and it still stands.

Dr. Levitt opened the public session. John Kummings of 2326 Shepherd Drive, Block 82 Lot 31 addressed the Board. He stated that his home is within 200 ft. of The Sweet Spot and their back yard backs up to the residence. He presented a community member written response to the Plastic Spoon, LLC application and it was signed by several residents some of which were present this evening. He said that the Frangias' are very generous, but the elimination of the no cooking condition would be detrimental. He felt that the use is overbearing for the property. He asked the Board to consider that the property is overburdened. He said traffic will be increased and cooking will create additional noise and odor. He was also concerned with waste and trash. He was concerned about loud music and the increase of hours of operation with increased food types. Fire hazards and the storing of oil was a concern as was public restrooms, increased freezer space and additional noise from refrigeration. He read some of the petition verbatim. He said it will be a detriment to the public good to grant the elimination. Dr. Levitt asked if he has seen overflow parking. Mr. Kummings said yes. Dr. Levitt commented that a walk-in freezer would require another site plan. Mr. Frangias said that the music speakers are at the front of the property on

Route 9. Mr. Kummings said he doesn't hear the music now. Dr. Levitt suggested making a condition of approval that the speakers would remain in front and not face toward the neighborhood.

Ana Frangias was sworn in. She said she was born and raised in the restaurant business. All refrigeration must be cleaned and maintained and there is no odor outside of the building. They will not be cooking steaks or Asian food. Mr. Kummings said he can see The Sweet Spot from his screened in porch and kitchen. Mr. Shippen said Mr. Kummings' house is Block 82, Lot 31 and is the second house in from New Road. Dr. Levitt asked Mr. Sciallo to estimate the distance. He said the corner of the property is 190 ft. and the house itself is beyond 200 ft.

Sky Glenn addressed the Board next. He resides at the rear A-frame house behind The Sweet Spot at 2318 New Road Rear, Block 82, Lot 8.02. He said that he also signed the letter that Mr. Kummings referred to. He has lived at the property with his fiancé since 2020. Mr. Frangias has been a great neighbor and he has had no problem with The Sweet Spot. He felt that the previous approval was enough. He is worried that if Mr. Frangias is to sell, traffic will increase and the site will be come more congested. He is concerned that hours of operation will increase and that cars will park illegally and block his access. He has trailers that he moves on and off site and it is a safety risk for him and his property. Other concerns are what changes a new restaurant will make; trash, odors, noise from compressors, and fire risks to his property from new owners not cleaning hoods properly. He does not want the Board to allow restaurant uses and wants this denied.

Mr. Scharff commented that there was no one on Zoom chat who wished to speak on the matter. Dr. Levitt asked Mr. Frangias if there are no parking signs on the easement. He said there are three signs and cones. It was suggested that chains could be used. This was a condition that has been rectified. Hours of operation were discussed and Mr. Frangias agreed with a 10:00 p.m. closing time which is as it is now. Dr. Levitt asked about a dumpster. Mr. Frangias said there is a dumpster in back and is a condition related to food waste and is contained in a matter to not attract vermin. Trash is picked up two to three time a week and this is what he does at his other businesses. Mr. Shippen asked if the enclosure was contained. Mr. Frangias said there is a white vinyl fence enclosure. Dr. Levitt said the trash area must be kept clean and free of odor and vermin and any perspective buyer must know that. Mr. Frangias said he uses a gold metal sealed container in addition to the vinyl fence.

Dr. Levitt asked the Board for questions. Mr. Brophy commented that cones and chains could inhibit the flow of traffic. Mr. Sciallo suggested painting the pavement to prevent parking in Mr. Glen's driveway. Dr. Levitt commented that this is a commercial property on a commercial road and the city doesn't want to see an empty white elephant sitting there. Mr. Utts said the Board previously proposed conditions for cooking and traffic and this could become an issue. He understands the concerns with overflow traffic. The lot may not lend itself to cooking with grease and oven hoods. There will be odors. He understands the neighbor's concerns. There was a reason for the condition of no cooking.

Mr. Glenn asked to speak again. He was unable to attend the original approval for The Sweet Spot as he was a at work on a scallop boat. There are three parking spots on the easement side plus one handicapped spot. It is difficult for him to navigate his trailers. He has a boat trailer and a utility trailer.

He is allowed to pull in and out any way he wants, but there are times he has difficulty getting back to his property. Dr. Levitt asked if the ingress easement was defined by dimension. Mr. Glenn said it was. Mr. Sciallo described the parking spaces and said there are four parallel spaces that are paved and painted and were there initially. The easement is 15 ft. wide on the north side and is not wide enough for two-way traffic. Mr. Glenn showed on the plan how he has to maneuver onto the property. He said he can't use the north access because there may be people exiting there. There is a traffic flow problem. Mr. Glenn said the property used to be a piano lesson store and is not made for restaurants. He is fine with Mr. Frangias, but he worries about increased use if it is sold. He is concerned with blocked access. The boat trailer section of the Ordinance was brought up. The Ordinance restricts 28 ft. boat trailers. Mr. Glenn's are smaller. Dr. Levitt suggested adding a condition that the operator of the business would ensure ingress and egress to the back property. If it is blocked there should be a violation issued. The Board added comments. Mr. Shippen didn't think a sub shop or a restaurant with sit-down meals would work without the seating. The ingress and egress need to be understood. Mr. Rowe said changing the nature of the establishment may change the flow of traffic. Take-out will smooth the demand on parking. Dr. Levitt noted that Jersey Cow has a high turnover. A food place wouldn't have as high of an intensity. Mr. Roegiers asked about hours of operation. It was decided the hours would be 11:00 a.m. to 10:00 p.m. Mrs. Frangias wanted the hours to be earlier. The opening time of 10:00 a.m. was agreed upon. Mr. Glenn asked if there was an opportunity for a lawyer to review the conditions and asked if he had the right to get an attorney for this review. Mr. Fleishman explained that if approved, there would be a resolution next month at the next meeting. Once the Notice of Decision is published, there would be a 45-day window for an appeal and that would most likely be in Superior Court. Mr. Glenn pulled up the deed on his phone and said there is a 15 ft. easement and the parking is in the easement. Mr. Sciallo agreed. Dr. Levitt said this parking was previously approved and an objection should have been made at the time of approval. He added that this is an application for lifting a cooking restriction. Mr. Fleishman suggested that they could pull the application and stay with what approvals are in place. The parking was a prior approval. Mr. Manos said they are hoping for a little relief for flexibility. He added that the neighbors who signed the petition are not read into the record since there is no chain of evidence and they are not present. Mr. Manos said there are no need for any variances at this time. They are not asking for walk-ins or coolers. They would have to come back for that.

Mr. Scharff made a motion and Mr. Fleishman reviewed the conditions. This is a request to remove Condition #10 of the previous approval for Plastic Spoon, LLC on July 1, 2021. The conditions added this evening are:

1. Music can only be played at the front of the site and is not to be projected to the neighboring residential properties.
2. The easement area must be kept open and must not be blocked. There are parking spaces in the easement that were previously approved. There can be no further obstruction.
3. Hours of operation are to be from 10:00 a.m. to 10:00 p.m.
4. Trash will be sealed in containers and there is to be no odor or vermin.
5. There is to be no outside walk-in refrigeration or cooler without future approval.

Mr. Doran was asked for any additions from his report. He said he was satisfied with the d(3) discussion. Mr. Roegiers seconded the motion. The roll call vote was as follows with some comments added.

Mr. Brophy-yes; he said the suggestions were minimally invasive.

Mayor Chau-yes

Councilman Leeds-yes

Mr. Roegiers-yes

Mr. Rowe-yes

Mr. Scharff-yes; this is a unique situation with the easement and parking. He doesn't want to see an empty building.

Mr. Shippen-yes; agrees with Mr. Scharff and doesn't want an empty piece of property.

Mr. Utts-no; he was not clear why parking was allowed in an easement and he felt it may cause problems for the neighborhood.

Chairman Levitt-yes; he agreed with Mr. Utts and the parking might have been an oversight, but the property needs to be economically viable and hopefully the restrictions imposed will help with the neighbor's concerns and won't impinge on the quality of life of the neighbors.

The motion passes with 8 "yes" votes and 1 "no" vote.

The second application is from Northfield resident Stephanie Ann Swift of 32 Haddon Avenue, Block 146, Lot 24 in the R-2 zone for "c" variances for an addition. The property is a corner lot on Broad Street and Haddon Avenue. Stephanie and her husband, Jason Swift, were sworn in. Mrs. Swift handed a packet to the Board members containing comparison photos from 2008 and 2023 showing the improvements to her home as well as detailed testimony addressing the points in Mr. Doran's report. She read this report to the Board.

Mrs. Swift testified that the home was originally moved from Ocean City to this site. There is an existing non-conformity as to Lot Width where the requirement is 70 ft. and they have 65 ft. on Haddon Avenue. The "c" variance is for frontage on Broad Street. They are required to have 25 ft. and they currently have 20 ft. and the expansion will be the same. She doesn't want to construct and misalign the improvement as that would not be aesthetically pleasing. She said there are no detriments to the public good or the zone plan. The site currently has curbs and sidewalks as required. Mrs. Swift said the Ordinance requires two shade trees across the front of the property. There is one shade tree on Broad Street and she is requesting a waiver for the second tree since there are power lines that could cause future issues. Dr. Levitt said the Board would like to see one additional tree on the Haddon Avenue side.

Mrs. Swift said her home is now a three generational household as her mother has moved in with them permanently. She moved in a year ago and she is 67 years old. Currently they have a 1200 sf home and they want to make it a forever home. They need more space and they want to utilize the maximum space available. Mr. Fleishman explained that because they have a corner lot, it is creating a hardship and the front yard setback would not be required if the lot was not a corner lot. It would also increase the livability for the now 5-member family. Mr. Doran agreed with the c(1) variance and said this is a unique situation. Mr. Fleishman said they will not be increasing the non-conformity since they are

aligning the addition with the existing house and there is no further detriment. Mrs. Swift said her neighbors are supporting her project.

Dr. Levitt opened the public session, but there was no one who wished to speak. The public session was closed. Mr. Scharff said there was no one on Zoom chat. Dr. Levitt commented that there is a housing crisis today and older people are finding it difficult to handle increasing taxes.

Mr. Scharff made the motion for the c(1) variance for Lot Width and the front yard setback. Mr. Doran commented that he was a Zoning Officer in Brigantine and he has seen how duplexes are created from additions and he has concerns for the future with this property. It could become a duplex. Dr. Levitt said we must restrict that it will continue as a single-family dwelling. Mr. Doran said it must be maintained as a single-family home. It must not be used as a duplex or a rental. Mr. Fleishman said it does not necessarily have to be a blood relative as that can get complicated, but it must remain single-family. Mr. Shippen seconded the motion.

The roll call vote was as follows:

Mr. Brophy-yes

Mayor Chau-yes

Councilman Leeds-yes

Mr. Roegiers-yes

Mr. Rowe-yes

Mr. Scharff-yes

Mr. Shippen-yes

Mr. Utts-yes

Chairman Levitt-yes

The motion carries.

Dr. Levitt commented that there have been two meetings in a row dealing with a housing element that didn't strictly conform. Consideration should be made to add to the Zoning ordinance that single-family homes are permitted to have additional cooking and living areas for extended family. Mr. Doran said it can be added as a Master Plan goal and City Council can look into it. Dr. Levitt mentioned adding additional commercial on Northfield Avenue to the Master Plan goals. Mr. Doran said the areas between Route 9 and Tilton Road have been added and now the area from Tilton Road to the Bike Path should be looked into. Dr. Levitt said carbon reduction should be added to Master Plan objectives and allowing more family on one lot will help to reduce the carbon footprint. Mr. Fleishman said the Board needs to author the document and forward it to City Council. Mr. Doran said he is ready for a committee meeting. Dr. Levitt, Mr. Scharff, Mr. Shippen and Mr. Rowe volunteered to meet with Mr. Doran and Mr. Fleishman. The date was set for January 18, 2024 at 6:00 p.m. at City Hall.

There were three resolutions to memorialize and they were voted on separately by voice vote.

Robert & Lauray Hogg, Block 175, Lot 37.03, 13 Argo Lane for a Minor subdivision-abstentions were Mayor Chau, Councilman Leeds, Mr. Roegiers, Mr. Carney.

Michael A. Tepedino and Sons Insurance Agency, LLC, Block 34, Lot 21.02, 2408 Cedarbridge Road for a “c” variance, d” variance, Major Site Plan-abstentions were Mayor Chau, Councilman Leeds, Mr. Roegiers, Mr. Brophy, Mr. Reardon.

Apex East, LLC, Block 34, Lot 21.22, 824 W. Mill Road for a “c” variance. “d” variance, waiver of site plan-abstentions were Mayor Chau, Councilman Leeds, Mr. Roegiers, Mr. Brophy, Mr. Reardon.

Mayor Chau made an announcement that Mr. Roegiers will not be re-appointed as a full member for 2024 due to family obligations, but will be appointed as an alternate member. Mr. Brophy will be appointed as a full member for 2024. Dr. Levitt said he is glad Mr. Roegiers will remain with the Board as he has been a valuable member for many years.

Mr. Brophy made the motion to close the meeting with a second by Mr. Roegiers. Dr. Levitt closed the meeting at 9:08 p.m.

Respectfully submitted,

Robin Atlas

Robin Atlas, Secretary to the Board