

City of Northfield Planning & Zoning Board
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Minutes: May 1, 2008

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 has been given to The Press, posted on the bulletin board in City Hall, and filed with the City Clerk, stating the date, time and place of the meeting and the agenda to the extent known.

The regular meeting of the Northfield Planning & Zoning Board, held on Thursday, May 1, 2008 in Council Chambers, City Hall, Northfield, was opened by Chairman Richard Levitt at 7:31 p.m. and the following members were present:

Dr. Richard Levitt-Chairman
Clem Scharff-Vice Chairman
Mayor Vincent Mazzeo
Jason O'Grady, Councilman
Chief Robert James
Lou Milone
John Clifford
Ron Roegiers-absent
Henry Notaro
Jim Shippen
Linda Dyrek

Norman Zlotnick, Solicitor
Matt Doran, PE-Engineer

There were two applications on the agenda for this evening. Nicholas Talvacchia, Esq. of Cooper Levenson in Atlantic City respectfully requested a continuance for his client 2605 Shore Road, LLC who were to present their application to the Board for an amended site plan and use variances. There are issues with the proposed tenant and they would like to reschedule the application for June 5, 2008. Dr. Levitt stated the Board would grant the continuance and official notice of the change would be made at this meeting which serves as public notice and the applicant will not be required to re-notice or re-advertise.

The second application on the agenda was Gary and Marvene Goodin. Mr. Goodin was sworn in as well as Louis Needles who is Mr. Goodin's builder. Mr. Goodin's wife Marvene and his son-in-law were in the audience and would be sworn in if necessary. The property is at 230 St. James Place, Block 136, Lots 8 & 13 in the R-2 zone.

Mr. Goodin, in representing himself, explained to the Board that he currently lives in Linwood and purchased the house at 230 St. James Place which previously belonged to Harold Booye whose children sold the house after his death. Mr. Goodin purchased the property as an investment. He wants to demo the old home and build a new home so that he can spend the rest of his years in Northfield in the new home with his wife. He is requesting a "C" variance for lot width where 70 ft. is required and 33 ft. is existing.

Dr. Levitt asked for the letter from the Fire Department concerning the project and read the letter into the record. The Fire Dept. approves of the projects and requests additional plans if there are any changes.

Mr. Goodin commented that St. James Place is a one-way street. Dr. Levitt referred to the plan and noted that a flag lot exists. Mr. Goodin wants a long driveway into the wider part of the lot and to demo what currently exists. Mr. Goodin is not acquiring any additional land. When the old home is demolished and the land graded, the house will be set back on the property and will be a beautiful new ranch style home.

Mr. Doran referred to his Engineer's report. He agreed that a "C" variance is required for lot frontage (70 ft. req., 33 ft. existing). Normally a "C" (2) variance (benefits outweigh detriments) is granted, but in this case, the second type of variance that may apply is the "C" (1) variance due to the narrowness and odd shape of the lot which can create hardships for the developer of such a property. Mr. Doran noted that the Board has latitude to grant variances. Mr. Doran commented that on a positive note, there is already a house on the property, which the applicant intends to replace with an upgraded structure and also, the non-conformity will be reduced. He added that when there is a non-conformity, the burden is on the homeowner to purchase surrounding land to reduce the non-conformity. There are houses on either side of the property in question, so Mr. Goodin is not required to pursue that option. If one of the properties on either side was vacant, Mr. Goodin would have had to make a legitimate attempt to purchase more ground. In this case, there is a dwelling on either side. The negative criteria is that there should be no detrimental affect on the neighborhood.

Mr. Doran asked about the earthen driveway that is partially on an adjoining property. Mr. Goodin said the land contains an easement driveway which he has

used and the neighbor uses at times and it is not paved. Mr. Doran said that Mr. Goodin will have other access off St. James Place and there will be two parking stalls in front of the house. The earthen driveway is approximately 12 ft. and most is on the neighbor's lot. Mr. Goodin commented that he thinks he owns about 10 ft. and the neighbor 12 ft. Dr. Levitt asked if any utilities run through this easement. Mr. Goodin testified that no utilities are in this area and it is just a dirt/gravel driveway. Dr. Levitt asked if the easement is an access for Lot 4. Mr. Goodin and Mr. Doran agreed that it is an access. Mr. Scharff commented that there is another access off Pine Street. Mr. Goodin said that his neighbor's house faces Bates Avenue.

Mr. Doran asked about the moveable shed that exists along the property line. Dr. Levitt said the shed should be moved to comply with the 3 ft. setback by ordinance. The shed is next to Lot 6. Mr. Goodin said he will be removing the shed all together. Mayor Mazzeo asked if he was proposing to build a workshop. Mr. Goodin said he would like to have one sometime in the future which is why he put one on the plot plan. He would like have a place for his tools and to have an area to make things for his grandchildren. He doesn't have the funds at this time, but would like to be able to build one in the future. Mr. Needles commented that the workshop would be non-commercial. Mr. Goodin stated it would be a shed-like garage for his use only. Mr. Doran said a detached garage would not need a variance and the location would be 10 ft. from the side setback and 5 ft. from the rear which complies with the setbacks. Dr. Levitt agreed and said the workshop conforms.

A discussion of the driveway ensued. Mr. Doran commented that the driveway is 20 ft. up on the property. He said the plan shows a 32 ft. wide curb cut where 24 ft. maximum is permitted. Mr. Doran said they should reduce this or request a waiver. Mr. Scharff commented that the street is narrow and a wider curb cut would be better. Mr. Needles said the Fire Department requires 32 ft. Mr. Goodin understands the driveway needs to be concrete. Dr. Levitt asked Mr. Doran about drainage problems due to the paving. Mr. Doran said there is enough room between the pavement and the property line to put grass in or something to hold the water. At this time, there is a house there. Mr. Doran asked if any trees were to be removed. Mr. Goodin said he will be removing no trees. He has three Oak trees on the left side of the property even though the plan only shows two. Mr. Doran said that normal street width is 50 ft. and St. James Place is only 16 ft. Mr. Goodin said the street is one-way. Mr. Doran said the whole street is narrow and a right-of-way waiver could be granted. Mr. Doran said the Board should discuss shade trees along front of the property and curbs and sidewalks. Dr. Levitt said there are no curbs and sidewalks now. Mr. Doran said the shade trees would not fit. Basically the 32 ft. driveway would be the sidewalk. Mr. Goodin plans to ask the water company to move his water meter back from the street.

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

Dr. Levitt commented that the property is large for the zone. The requirement is 7500 sq. ft. and Mr. Goodin has 12,425 sq. ft. and whatever is built there will be non-conforming due to the frontage. What is being proposed would be more conforming than what currently exists. Mr. Zlotnick summarized the waivers and discussed positive and negative criteria. He agreed on the C1 and C2 variance qualifications due to the unusually shaped lot and the upgrading of the property and neighborhood. Also the purposes and reasons for zoning are advanced. The negative criteria requiring variance relief is necessitated by the lot size and there is not detriment to the zoning ordinance or public good. Mr. Gooding will be upgrading the property and he believes there is a legal benefit to the public. The waivers are for the 32 ft. curb cut and of the driveway and for the installation of shade trees and curbs and sidewalks as required by ordinance. The existing house will be demolished and the shed removed.

Mr. Scharff made the motion and Councilman O'Grady seconded. The following Board members voted in favor of granting the above waivers and variance: Mayor Mazzeo, Councilman O'Grady, Chief James, Mr. Milone, Mr. Scharff, Mr. Notaro, Ms. Dyrek, Mr. Shippen and Chairman Levitt.

Chairman Levitt asked the Board members to save Mr. Doran's report on 2605 Shore Road and bring it to the June 5th meeting to avoid having to make additional copies.

There was one resolution to memorialize for Jean-Marie Peruzzi, Block 32, Lot 3 from the April 17, 2008 meeting. Mr. Milone made the motion and Ms. Dyrek seconded. Mr. Clifford and Mr. Scharff abstained. The remaining present members voted in favor by roll call.

The final item on the agenda was a discussion and vote on the current draft of the Tree Ordinance. Mr. Doran outlined the major changes. For residential properties, the original ordinance allowed up to five trees to be cut at either 6 or 8 inches in diameter. The new ordinance allows everything in the building envelope to be cut, but not trees in the rear, side or front setbacks. Up to three trees in the outside setback area can be cut. Any more than that would require a permit. For commercial properties, nothing has changed from the original ordinance. They must provide a tree summary of what trees are on the site, they must adhere to a planning schedule and can only cut so many trees according to the ordinance. There will be no permit fee for residential cutting of trees. Mr. Notaro asked how far outside the footprint of the building can trees be cut. Mr.

Doran answered that any could be cut in the setback of the building and up to three trees within the actual setback leaving shade trees in the front.

Dr. Levitt asked what the criteria is for the Zoning Official to grant a permit. Mr. Doran answered if the tree is in the way of a driveway, sewer or water lines, any construction, diseased trees, or trees causing hazards such as damage to sidewalks. It is up to the Zoning Officer to make the determination. Dr. Levitt asked if there is a right to appeal. Mr. Doran answered yes and the appeal is to this Board. Councilman O'Grady said they can re-apply to the Board within a two year period. Dr. Levitt asked about a time restriction for removing trees. Councilman O'Grady said three trees can be removed and then there is a two year period which must pass before three more can be removed.

Dr. Levitt thanked Mr. O'Grady and Mr. Doran for all their help with this ordinance. Councilman O'Grady commented that he feels the ordinance is well done and is the coronation of a lot of effort. He also discussed certain changes with Mr. Doran concerning tree size language in the document. He explained that small trees are considered 8 inches and less, medium trees are 8 to 12 inches, and trees are considered large at 12 inches and larger. He suggested that throughout the ordinance, when describing trees that should be marked on plats or site plans, the measurement should be for all trees 8 inches or above. For trees under 8 inches, the resident can do as they wish with the tree. Mr. Doran added that they can't touch a tree over 12 inches without a permit. Mr. O'Grady continued by saying that he thinks the replacement tree section is good in that for any trees 8 to 12 inches removed for problems or whatever reason, two trees need to be planted to replace the tree removed. He would also like to see the County Tree List added as an addendum to the ordinance. Dr. Levitt noted that the tree list is part of the Zoning Ordinance and any commercial applications are asked to reference this list in choosing trees for their properties. Mr. Doran suggested getting the exact name of this list and making sure that the tree list is available in the Clerk's Office. Dr. Levitt said that a tree fund will need to be set up for fines. Mr. O'Grady noted that inspection fees will be needed. Dr. Levitt referred the subject of fees to City Council since the Planning/Zoning Board is not in the business of setting fees. Mr. O'Grady discussed how tree measurements are determined. Mr. Scharff added that the measurement involves the diameter of the tree not the circumference.

Mr. Milone made the motion to vote on the ordinance and Mr. Scharff seconded the motion. The following members voted in favor of the ordinance: Mayor Mazzeo, Councilman O'Grady, Chief James, Mr. Milone, Mr. Scharff, Mr. Notaro, Ms. Dyrek, Mr. Shippen and Chairman Levitt.

Dr. Levitt announced that there would be a sub-committee meeting Monday, May 5th at 7:00 p.m. to meet with the Planner concerning the Land Use Ordinance.

Dr. Levitt referred to the article in The Press involving the City of Vineland and in reviewing their ordinance, the legal problems that ensued due to lack of advertising and quorums. He asked Mr. Zlotnick for guidance to properly conduct the committee meetings. Mr. Zlotnick said it was his understanding that Vineland had more than a quorum and were making substantive decisions at what was supposed to be work sessions. He advised to keep the committee meetings below a quorum of five and to use the meetings as work sessions. Dr. Levitt asked about public notification of affected property owners. Mr. Zlotnick said there is none at this early stage. Mr. Scharff asked if public input should be solicited. Dr. Levitt suggested waiting for that. Mr. Zlotnick added that the completed ordinance can be advertised by reference.

Mayor Mazzeo inquired about the parking of dumpsters and pods within the City and if this would be addressed in the ordinance. The Zoning Official has notified the Mayor that the dumpsters and pods have been a problem and would like to see an ordinance. The ordinance can be either separate or added into the new re-writing of the Land Use Ordinance. Mr. Scharff suggested it could be added in the section dealing with trailers and ancillary buildings. Mr. Doran commented that Margate, Brigantine and Linwood have recently passed ordinances dealing with this issue and it is a relatively new subject. Dr. Levitt asked for the Board to give input on the ordinance.

There was no other business and Dr. Levitt closed the meeting at 8:17 p.m. with a motion from Mr. Milone and a second from Mr. Shippen.

Respectfully submitted,

Robin Atlas, Secretary to the Board