

**City of Northfield Planning & Zoning Board**  
**1600 Shore Road**  
**Northfield, New Jersey 08225**  
**Telephone (609) 641-2832, ext. 127**  
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Minutes: September 18, 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 had 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, September 18, 2008 in Council Chambers, City Hall, Northfield, was opened by Chairman Richard Levitt at 7:32 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-absent  
John Clifford  
Ron Roegiers-absent  
Henry Notaro-absent  
Jim Shippen  
Linda Dyrek

Norman Zlotnick, Solicitor  
Matt Doran, PE-Engineer

The meeting opened with the announcement that 2605 Shore Road, LLC has requested a continuance until November 6, 2008. They will be required to re-notice and re-advertise this hearing date.

There was one other application on the agenda this evening. The applicant was Jeffrey Scott Jillson the deeded owner of 2120 Oak Avenue, Block 34, Lots 25 & 26 in the R-1 Zone. He is seeking a minor subdivision with variance which involves reconfiguring Lots 25 & 26 to create two lots that are more conforming to the Ordinance.

Mr. Jillson is represented by Charles Gemmel, Esq. of Gemmel, Todd & Merenich of Linwood and Paul H. Koelling of Paul H. Koelling & Associates, LLC, also of Linwood, is present and drew the plans. Mr. Gemmel began by stating that Lot 25 is unimproved and irregular in shape. They will not be creating a new lot, but want to create lots that are more consistent with the Ordinance by eliminating or lessening non-conformities. Lot 26 is also somewhat irregular and undersized and with the reconfiguration, the non-conformities in area, width and depth will be adequate and the setback non-conformities will be eliminated. One variance is needed for Lot 25 for frontage as they do not have the required 100 ft. But, they will be increasing the frontage from 12.5 ft. to 30.4 ft. and with the elimination of the non-conformities and the increase in frontage for Lot 25, they believe the variance is justified.

Mr. Koelling and Mr. Jillson were sworn in by Chairman Levitt. Mr. Koelling spoke first and described the plan on the easel which was included with the application. The lots are on the easterly corner of Zion Road & Oak Avenue. Lot 25 is vacant and Lot 26 has an existing dwelling and garage. He described the non-conformities for Lot 26. Area is now 6,358 sf and proposed is

10,850 sf which is more conforming. Lot width is 78.8 ft. and proposed is 100.27 ft. Lot depth is 69.1 ft. presently and 170.88 ft. is proposed which conforms. The side yard setback is now 11.0 ft. and will be 75.7 ft. if reconfigured. This will conform. The accessory building is encroaching on Lot 25 and this will be eliminated and will achieve a 36 ft. setback which conforms. There are two pre-existing conditions which will be maintained. The side yard setback on Lot 26 at 3 ft. is existing and will continue to be and the front yard setback on Oak Avenue at 8.5 ft. will not be changed since they cannot do anything to modify this. Mr. Gemmel asked Mr. Koelling what the goal was and Mr. Koelling said the applicant desires to have a nice sized Lot 25 and to bring the smaller Lot 26 more into conformity.

Mr. Koelling discussed the Fire Department's request concerning the driveway. The Fire Department wants a 20 ft. hard surface driveway with 2 ft. on either side consisting of stone for access and so they can maneuver their vehicles in case of a fire and they will conform to this request. They will be maintaining a 25 ft. setback off the rear of the property of proposed Lot 26 and a side yard setback of 15 ft. at the rear property line going into Lots 3.01 and 3.01 fronting on Zion Road. There will be a 25 ft. setback to Lot 4 which is open space land that is owned by a Church and the 15 ft. setback to the school will remain. They will be installing the driveway, but do not have the exact footprint available yet and this will be presented at a later date. They will also provide location of the many Oak Trees, some of which are not healthy. They will also show where the home and possibly a pool will be located, but at this time they are not sure what will be built on the new lot. They will submit all drawings at time of permit application and will include tree locations.

Dr. Levitt asked why they needed a curved driveway instead of a straight line and why it needed to be 24 ft. Mr. Koelling said the Fire Department is requesting this. Mr. O'Grady said the Fire Department wants to be able to access the home in the back. Mr. Gemmel suggested that they meet with Mr. Doran and the Fire Department. Mr. Doran reminded that the Zoning Officer is the enforcing agent. Dr. Levitt asked if they could submit something from an Arborist who could clarify what trees are safe and healthy and which are not. He added that the issue is there are many 3 to 4 ft. Oak trees existing now and the goal is to preserve as many specimen trees as possible. He suggested possibly modifying the Fire Department's requests, modifying the curved driveway and lessening the shoulder area. Mr. Doran stated he is willing to look at the tree plan. Dr. Levitt said large Oak trees establish the character of this area and others around the City.

Mr. Koelling discussed positive reasons and the benefits to bringing Lot 26 more into compliance and stated there are no detriments. Mr. Gemmel asked Mr. Koelling about dedicating land to widen Oak Avenue as the Ordinance suggests. Mr. Koelling said this would not be appropriate at this time. Oak Avenue is an old, narrow street that used to be 33 ft. in width making it 16.5 ft. off centerline. The property next door is the old school and has a 25 ft. width after dedication. If the applicants go to a 25 ft. width, they would have to dedicate 8.5 ft. and the frontage of the building would be on the right-of-way and steps and ramps would be encroaching on the right-of-way. This would make the property difficult to sell and for title purposes, it would be hard to obtain a mortgage being that the house would encroach on the right-of-way line. The house would become obsolete. Dr. Levitt commented that the house is in poor condition and may be obsolete anyway and that perhaps someone would like to put a brand new house on the site.

Jeffrey Scott Jillson said that the bones of the building are fine and there are hard wood floors. There have been no renovations for 40 years, but that the house itself is fine. He has been renovating the home since last October. The home belonged to his Great Aunt, Mary Bell (his Grandmother's Sister) and she lived there with her disabled Daughter and another gentleman. Mrs. Bell didn't have the money to upgrade the house and the man living there was a junk and trash collector and kept many of the items out in the yard. At one point, Mrs. Bell fell and was injured. She went to live in a nursing home and was there for ten months. She passed away June 30<sup>th</sup> of this year. Mr. Jillson does not live in the house. He lives in Manahawkin with his wife and two children and cared for his elderly Aunt who could not live in the house by herself. There isn't full time care at his house since they work and he had to place her in Woodview Care Center in

Mays Landing on private pay, which is very expensive at \$4,400 per month, which he is paying for himself. This is the main reason he wants to sell the house and garage as it will help pay for his Aunt's care.

Dr. Levitt noted that curbs and sidewalks are needed at this site and that the property is next to a school and a thru street. Mr. Koelling said there is curbing, but no sidewalk. There is sidewalk all along the street on the other side of Oak Avenue. Mayor Mazzeo mentioned that the school is a Charter School and all the children are driven there. Mr. O'Grady asked if the plan was to not tear down the house, but to make the lots more desirable and to sell once cleaned up. Mr. Jillson agreed and said at present he needs funding to pay for his Aunt's care. He doesn't want to sell it as is with one reason being that the garage sits on both of the lots. He mentioned that the school has shown some interest, but he has not called them back at this time. He wants to sell the house and garage to alleviate the tax burden as well.

Dr. Levitt took the discussion back to sidewalks and noted that a child was hit by a car on Zion Road and a Sidewalk Ordinance was passed in response to a large public outcry to the Board as well as to City Council. Mr. O'Grady noted that there are many accidents at Oak Avenue and Zion Road and since safety is an issue, the sidewalks should be addressed. Dr. Levitt suggested possibly not requiring the installation until a building permit is issued on Lot 25.

Mr. Gemmel said that if sidewalks were installed, the existing house would be close to the street and will accentuate the closeness that the home is already to the street. Other lots adjoining nearby do not have sidewalks and these lots will not be subdivided in the future and therefore, would not have to come before the Board and be informed they would have to install sidewalks. The other side of the road should be used for walking since it travels all along Oak Avenue. Ms. Dyrek commented that she walks in that area frequently and since there is no sidewalk on that side of the road, people should not walk on that side. She said she normally doesn't see children walking in the area since they are driven to the school. She said that there are sidewalks on that side close to Mill Road, but no where else along that road between Zion and Mill Roads on the side in question. Dr. Levitt commented that the school type could change in the future. Mr. Doran said that requiring the sidewalks would be hard to track if the property is not built upon for a number of years. There is no mechanism when going for a building permit. Mr. Shippen added that they are talking about a 30 ft. area and he noted that all the other houses are also close to the street. He added that he doesn't think a sidewalk would fit. Dr. Levitt agreed that the sidewalk would be close to the house and commented on another site on Mill Road near the Tennis Courts where sidewalks were required and it is very close to the house, but he feels this is still a safety issue. Chief James commented that the property is built up over the street level and people walking would have to climb up or down the curb embankment. Dr. Levitt agreed that if a sidewalk was installed, it would force people to walk in the street.

Dr. Levitt asked Mr. Doran about curbing. Mr. Doran said it is a busy street and it would also help protect the front yard. This would need to be bonded or there would need to be assurance that curbing was completed. Mr. Gemmel commented that they would like to build curbing when they build the house. He suggested a deed restriction on Lot 25 that a curb would have to be erected for both lots when a building permit is applied for. 130 ft. of curbing instead of 30 ft. of curbing would need to be installing in the public right-of-way. Dr. Levitt asked Mr. Jillson if he would be willing to install the curb and he said he would rather not. Mr. Gemmel said the applicant would rather the burden be at the time of construction, not at this time. Mr. Zlotnick added that he doesn't think that legally they can force Lot 25 to build a curb for Lot 26. Mr. Gemmel said the applicant is agreeing to it. Mr. Zlotnick said that Mr. Jillson intends to sell Lot 26 and when sold, he will be in a position to take some of the cash from the sale and install curbing in front of Lot 26. That way, when Lot 25 is sold in the future, the new owner would be required to install curbing on the small portion of Lot 25. Mr. Doran added that the cost of curbing for 130 ft. would be approximately three to four thousand dollars. A discussion ensued concerning whether this could be a condition of approval for the subdivision. Dr. Levitt commented that it will be hard to find a buyer willing to install curbing for the next door neighbor.

Dr. Levitt asked the applicant who they would like to see responsible for installing the curb. Mr. Gemmel suggested that the curbs be installed (130 ft.) all at one time and that the first buyer should be responsible within 90 days of the first sale. If they don't install the curbing as obligated, the City could put a lien on the property. Mr. Koelling agreed that the construction and the curbing should be done at one time to alleviate any problems with the placement of the driveway. Mr. Gemmel agreed to attach the construction of the curb to the building permit for Lot 25. Mr. Scharff asked if an easement would be necessary. Dr. Levitt said that would not be necessary due to the public right-of-way.

Mr. Doran continued reading his report. He said they need to extend the driveway 7 ft. to comply and it should be between the house and garage, not overhanging the right-of-way. Mr. Keolling said there is a mistake on the drawings and they will do a new plan showing that the driveway does exist all the way back. Mr. Doran commented about the required \$2500 recreation fee. There are two lots existing and they are creating two new lots. Mr. Zlotnick commented that there currently is case law that may make that fee illegal and Mayor Mazzeo commented that the City has not spent any of these fees previously collected. He advised not to collect it for this application. Mr. Gemmel added that it is inconsistent with New Jersey Law. Mr. Zlotnick read the opinion written by Judge Winkelstein, a local Judge, and he noted that the case is an Appellate case. Mr. Gemmel noted that the Appellate decision was unanimous and that the Supreme Court does not have to take the case. That decision has not yet been made. Dr. Levitt said the Board would not act on the fee at this time.

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

Dr. Levitt summarized the application for a minor subdivision. Mr. Doran suggested changing the curbing condition to be at the time of CO rather than a building permit since a lot of heavy equipment will be driving on and off the site during construction. Dr. Levitt said conditions include, at the time of CO for Lot 25, the new owner to place 130.4 ft. of curbing in front of both lots. Mr. Gemmel will submit a deed restriction. At the time of a building permit request, a vegetation plan will be submitted showing all viable trees and it will be demonstrated as to how construction plan could be modified to save specimen trees. A waiver would be granted for the Fire Department's request for a 20 ft. driveway with a 2 ft. shoulder on each side if they can show a plan which retains these trees. The plan will be submitted to Mr. Doran and the Building Department. There is also a "C" Variance for frontage for Lot 25.

Mr. Shippen made the motion and Mayor Mazzeo seconded. The combined roll call vote was unanimous for approval from all present.

There was one resolution to memorialize for LA Holdings Northfield for the Site Plan and variances for construction of "The Bank" which was approved at the September 4, 2008 meeting. A voice vote was all in favor of adoption with Mr. Clifford and Mr. Scharff abstaining.

Mr. O'Grady mentioned the hiring of Tiffany CuvIELLO and noted that her price was less than \$10,000 and others who gave estimates and who also were unavailable were \$15,000. Dr. Levitt said the Board can only recommend to Council that they hire the Planner for the COAH compliance plan. A resolution will be drawn up for the next Council meeting which states the Board strongly requests hiring Ms. CuvIELLO. Mr. O'Grady made the motion and Mr. Clifford seconded. The Board agreed unanimously.

Dr. Levitt closed the meeting at 8:41 p.m. with a motion from Mr. O'Grady and a second from Mr. Clifford.

Respectfully submitted,  
Robin Atlas, Secretary to the Board

