

City of Northfield
Planning & Zoning Board
1600 Shore Road
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Minutes: February 2, 2006

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, February 2, 2006 in Council Chambers, City Hall, Northfield, was opened by Chairman Richard Levitt at 7:30 p.m. with the following members present:

Dr. Richard Levitt
Mayor Frank Perri
Guy Schlachter, Councilman
Jerry Nuzzolo, Construction Official & Inspector
Clem Scharff
Lou Milone
Ron Roegiers
Nick Droboniku
Pete DaPrato
Henry Notaro

Art Barrera-absent

Thomas Subranni, Esq.- Solicitor
Matt Doran, PE-Engineer

Dr. Levitt opened this evening's meeting with a brief discussion of a letter from Charles Gemmel, Attorney for Beacon Realty. The letter asked for verification of a variance granted for a free-standing sign to be installed at the front of their business at the November 3, 2006 meeting. The ordinance reads that any free-standing sign must have 3 feet of open space at the foot of the sign. Mr. Gemmel believes that his clients were granted a variance that allows them to extend the sign to the ground. After review of the tape from the November 3, 2005 meeting, the variance was discussed after the applicants requested the solid sign and the Board noted that the bottom 3 feet must contain no text or lettering, would be internally illuminated, and contain no flags of any kind.

Dr. Levitt recused himself from chairing the first application of tonight's meeting due to a conflict. Mayor Perri ran this portion of the meeting.

The first application of the evening is Network 1000, LLC located at 1000 Burton Avenue, Block 16.01, Lot 44.01 on the Tax Map. They are appearing before the Board for an Amended Site Plan (Preliminary & Final). The plans for the application were prepared by Robert Bruce & Associates and legal representation is by Joel Fleishman, Esq. The architect is Thomas Sidrane. The owner of the property, located in the R-1 Zone is Bob Hordes. Mayor Perri swore in the professionals.

Mr. Fleishman described the history of the project and the past approvals. The site is to the right of the Yale School property. In January of 1999, a use variance was granted to permit office/professional uses for both the school and the site in question. In August 2000, they received site plan approval to re-open the Yale School. In May 2001, a sub-division was granted which created the new lot 44.01. In May 2002, preliminary and final site plan approval was granted for a non-medical use restricted 8,000 square foot professional office building with 40 parking spaces. The amount of parking is due to Northfield's parking ratio for an 8,000 square foot building. The applicant's are before the Board tonight with an amended site plan application for a reduction in the building size to 6,000 square feet, keeping the 40 parking spaces, which would allow medical uses.

Mr. Fleishman next described the 3 waivers from the original approvals. They have a waiver for the preservation of a few old trees located in the site triangle in the front of the property. Mr. Hordes strongly believes in preserving trees as does this Board. There exists a waiver for an environmental impact statement and above ground storm water drainage. They have completed all the requirements of the original resolution, including a Wetlands delineation permit, and they have filed with the County Department of Regional Planning and Development and have been granted Continuing Favorable Review Status as of December 21, 2005.

Robert Bruce was sworn in by Mayor Perri. He further described the existing waivers as explained by Mr. Fleishman. At this point, Mr. Fleishman noted that there have been no zoning changes to this area of which he is aware and asked whether the original variances still stand. Mayor Perri stated that as far as he knows, there have been no changes. Mr. Subranni, Mr. Fleishman, and Mr. Doran discussed #1 under the heading of Planning Review Comments in Mr. Doran's Engineering report which addressed the possibility of a change of use needed from Office Professional to Medical use. Mr. Fleishman stated that originally in 1999, when they were granted a "D" variance, they were granted the variance for all office professional uses in the zone which includes medical uses. He stressed that the only change is a reduction in the building size to comply with the parking requirements. They originally accepted non-medical uses as a condition due to the parking issue not complying. Mr. Subranni thinks the issue is borderline and that an interpretation may be needed since the intensity of use will increase with medical use. Mr. Nuzzolo asked what type of medical office is being considered. Bob Hordes was sworn in and explained that until a deal is struck, it is difficult to say. Nothing is firm since they are unsure of the approvals. Mr. Fleishman said that it will be some type of Doctor's office. After some discussion, it was agreed that the "D" variance in 1999 was indeed given for all office professional uses.

The Mayor questioned Mr. Bruce about upgrading the underground system. A new pipe has been installed. The Mayor noted that drainage is the responsibility of the applicant. The applicants understand that. The school sewer pipe is the responsibility of the City.

Mr. Thomas Sidrane, their Architect with the Sidrane Group, was sworn in by the Mayor and proceeded to describe the building. A typical colonial architectural style will be constructed with 3 entrances off the parking lot side. They want to add character to the street front and do not want the building to look industrial in any way. There will be no 2nd story and no occupiable space in the basement.

There are no further witnesses. It was determined that all variances or waivers that were previously granted are currently still needed. The only change to the site plan is the addition of the sidewalk to access the mechanical building. Part of this building will not be seen at the road. The building complies in all other respects. The Mayor stressed his concern with parking problems with Doctor's offices and reminded the applicants that no parking is allowed on Burton Avenue. The Board addressed Mr. Doran's report and Mr. Doran stated that if the Board accepts that a "D" Variance is not needed, related items in his report are not necessary. He agrees with Mr. Subranni's interpretation. The applicants will comply with the parking with the reduction in building size. Mr. Milone asked about sign changes. Mr. Doran said there are no changes. The Mayor asked about the large tree in front and whether it will be saved. Mr. Bruce stated that the tree will be saved and additional trees will be added to the site. They will be keeping the existing tree line behind the building and will be increasing the landscaping. The Mayor noted that the site is currently heavily treed at this time. The Mayor opened the public session and there was no one from the public who wished to speak.

Mr. Roegiers asked about future hours of operation. He lives in the vicinity and is concerned with children and existing foot traffic. Mr. Bruce noted that they are adding a sidewalk. The Mayor again stressed his concern with medical parking problems and asked that the applicants come back before the Board if problems arise. Mr. Fleishman understands the Mayor's concerns and will talk to the Yale School for a possible cross easement if parking becomes an issue. They can install a "caution" or "slow" sign as Network 1000 also owns the Yale School property. These possibilities will be explored.

Mayor Perri asked for a motion. Clem Scharff made the motion to allow for medical use of Block 16.01, Lot 44.01 and to reduce the size of the office building from 8,000 square feet to 6,000 square feet. A sidewalk will be constructed along the rear of the building which will not affect the wetlands setback. The applicant's will submit a revised plan to our Engineer for review and approval. This is a condition of the approval. Previous approvals and waivers will stand. The approval will be for an amended site plan. The approval is to allow for a reduction in the building size and to remove the no-medical condition from the previous decision. Mr. Milone seconded the motion.

The roll call vote was as follows:

Mayor Perri-YES
Mr. Schlachter-YES
Mr. Nuzzolo-YES
Mr. Scharff-YES
Mr. Milone-YES
Mr. Roegiers-YES
Mr. DaPrato-YES-alternate
Mr. Notaro-YES-alternate
Mr. Drobiniku-YES

Chairman Levitt-recused

Dr. Levitt thanked the Mayor and resumed chairing the meeting. The second application of the evening was Commerce Bank, N.A., Block 41, Lot 3 which is the old site of the Commerce Bank located in Northfield. The location is 1203 Tilton Road and is located in the CB Zone. The application is for a Preliminary and Final Minor Site Plan approval. Commerce Bank has moved their Northfield Operations to a new site located at the corners of New and Tilton Road within sighting distance from the old location in question which is between Sigano's Center Point Plaza and McDonald's Restaurant. They are proposing to remove the existing drive-through lanes and to build new parking areas at the front and side of the existing bank, which they want to use as a Regional Administrative building. As noted in Matt Doran's Engineers report, there are 3 existing two-way drives and one existing one-way drive which are to remain.

Peter Sarkos, Esq. is legally representing Commerce and Brett Skapinetz is the Project Engineer who is with Boler Engineering. Chairman Levitt swore the gentlemen in and Mr. Skapinetz's credentials were discussed and accepted. Mr. Sarkos discussed the project. The existing old Commerce Bank will be used as an office building. Part of this structure was used for administrative purposes all along. They want to remove the existing drive-in and canopy. Mr. Sarkos produced a miniature color version of the proposed plans and this was admitted to the file as exhibit A-2.

Dr. Levitt posed questions to Mr. Skapinetz who produced the following answers. There will be no leasing of space. Commerce Bank intends to use the entire structure, there are no variances being requested, and the actual size of the building will not change and will remain at 3,600 square feet. There are presently 33 parking spaces and the new plans show 53 parking spaces giving a parking formula of one space per 75 square feet, which is well above the requirement. Mr. Skapinetz further explained that the bank portion of the business will no longer be in use and the building will house general regional offices for employees of Commerce Bank. They desire additional parking for the employees and expected visitors. The frontage will be on both Tilton and New Roads and he described the surrounding retail establishments. They will add more landscaping, namely 3 trees and 140 shrubs. They will reconfigure the parking spaces by removing

the existing Route 9 parking spaces and re-configuring them. All light fixtures will remain but may be relocated on the property and all utilities and drainage which will remain unchanged. The plan is to reduce impervious coverage 72% at a reduction of 100 square feet. Mr. Sarko questioned Mr. Skapinetz about existing signage and it was explained that these signs are indications as to where Commerce has relocated to and that no new signs are part of this project.

Mr. Doran read his Engineer's report. The specifics are on file. The applicant is required to submit architectural plans for review. If no changes are proposed, the Board will waive the architectural plan. The applicants agree to comply with the Engineer's request for sidewalks to be installed the entire width on New Road and Handicapped Ramps will be clearly noted on both streets and at driveway access points. The applicants have agreed to comply with a plan revision to show required site triangle easements in compliance with the County and State. Mr. Doran noted that there is a discrepancy between the site plan and the landscaping plan along the frontage of New Road. 5 Parking spaces are shown as landscaping on the landscaping plan. This has been corrected and will be parking spaces not landscaping. The applicants agreed to comply with all other points in Mr. Doran's report. Drainage problems were discussed. Mr. Doran noted that drainage problems exist on Tilton Road but these have been improved by the County. Also no problems deliberately exist due to this property. Dr. Levitt stated that the decrease in impervious coverage will only improve any drainage problems. Mr. Sarkow commented that it is the opinion of the owner that there are no on-site drainage problems.

Mayor Perri asked about environmental regulations. Mr. Doran stated that State approvals will not be necessary since the project will not touch or affect driveways. County approval is pending and soil erosion approval is complete. The Mayor commented that the issue is environmental hazards running off the property since they do not have on-site drainage. Mr. Roegiers thinks the new plan is an improvement over the current site and Mr. Skapinetz believes they are creating more green space by getting rid of some of the concrete. They are decreasing impervious coverage by taking away 1/8 of an acre of concrete and adding green space which will benefit water quality. In answer to the non-existence of on-site water collection, the runoff will go to existing piping and head to the County or State system anyway. Adding inlets and piping will not improve the current drainage situation.

Mr. Drobonik asked if it was possible for the site to be changed back to a bank. Mr. Skapinetz stated that he is not aware of the possibility. Nick Drobonick and Henry Notaro discussed alternate driveway suggestions and mentioned the possibility of cutting off the driveway entrance on New Road. Mr. Skapinetz reminded that the site is de-intensifying and they do not want to create any parking areas without an exit. They do not want to interfere with circulation and would rather lose parking spaces than to affect circulation in order to further increase green space. Dr. Levitt expressed concerns that the driveways will increase the likelihood of cut-throughs and brought up the possibility of speed bumps. Mr. Scharff commented that the Fire Department is against speed bumps. It was noted in discussion that there will be no left turn off Tilton Road onto New Road after the County completes the new roadway improvements at the intersection and eventually, a barrier may be constructed. This may increase the incidence of cut-throughs. The Mayor stated that the discussion was getting off the point, the situation is already pre-existing and the applicants are not proposing any radical change. Mr. Milone commented that he wants to see all existing parking remain. Mr. Skapinetz stated to the Board that the Regional offices typically use the buildings for training purposes, and at times, extra parking spaces may be necessary. Mayor Perri asked about the neon around the top of the building. They have an existing sign variance for the neon. Dr. Levitt suggesting letting their corporate offices know that it may be to their advantage and best interest as well as to the City's that they turn off the neon. The neon was originally used to attract customers to the site and now may be a deterrent away from the new Commerce Bank location.

The idea of speed bumps was re-visited and Dr. Levitt stated that he wants to see a provision for speed bumps to be installed if vehicles cutting through becomes a hazard. Mr. Milone commented that speed bumps are now considered to actually be a hazard themselves. Mr. Doran commented that they are only considered a hazard on public roads, not private property. Dr. Levitt suggested that the applicants put up "No though traffic" signs. Mr. Scharff said that this will advertise the fact that you can cut through. Dr. Levitt asked for a striping on the south side indicating an exit only. He would like to see some type of cross

hatching at the most southernly exit on Tilton Road. A “Do not enter” sign may not be enforceable, but Guy Schlachter thinks the sign would be a deterrent.

Mayor Perri had further questions about signage and was told that there would be no reader boards.

Dr. Levitt opened the public session. No one wished to speak and the session was closed.

Dr. Levitt summarized the two design waivers that will be needed. The first is a parking waiver for the first parking space to be less than the 20 ft. setback from the right of way on Route 9 that is required. The second is a waiver for 24 ft. rather than the 25 ft. required for the two-way drive aisles. Dr. Levitt called for a voice vote on the Design Waivers and all Board members were in favor.

Mayor Perri made a motion for the Minor Site Plan (Preliminary and Final) and Mr. Scharff seconded. All members were in favor with Mr. Notaro abstaining since his vote would count as the tenth vote.

For the next 15 minutes, the Board discussed various issues dealing with current Board Member educational requirements and costs. Dr. Levitt asked the Mayor to budget at least \$500.00 to cover the cost of the required classes. Mr. Nuzzolo commented that new members must meet the education requirements within 18 months of their appointment. Dr. Levitt will contact Enid Hyberg about possibly conducting a class here at City Hall. The Mayor asked how many hours were required and Mr. Nuzzolo answered “five”. Dr. Levitt discussed the possibility of partial classes before Board meetings in order to meet the time requirement.

Dr. Levitt asked if all members had received Matt Doran’s letter updating certain on-going projects. All members have the letter. The Board needs to schedule a personnel session. The March 2nd meeting after the Stevens/Glass hearing would be suitable. The session will be added to the March 2nd agenda.

Dr. Levitt opened a discussion concerning Mr. Nuzzolo’s excerpts copied from the Cox manual concerning manner of voting, majorities, and alternate members sitting in as regular members. He noted that a joint board has different rules for voting. Mr. Nuzzolo produced information that stated that 6 votes were needed for a “D” variance to pass, not 5 as was previously understood. Chairman Levitt asked Mr. Subranni to research this issue and to report on the number of alternates the Board should have.

Guy Schlachter asked about the possibility of rescheduling the April 20th meeting as it is Easter Week and many people will be on vacation. It was decided by voice vote to cancel the April 20th meeting.

Lastly, the Radio Engineer, Matt Macready, who the City has retained as an expert for the Omnipoint hearing on February 16th, was discussed. It was decided that another \$1,000.00 in escrow is needed to cover the cost of the expert’s time and expenses. The Secretary will take care of this as well as to ensure that the expert receives a copy of the amended cell tower ordinance.

There were no resolutions to be memorialized at this meeting.

The meeting was closed at 9:16 p.m. with a motion from Ron Roegiers and a second from Pete DaPrato.

Respectfully submitted,

Robin Atlas-Clinton, Planning Board Secretary