

City of Northfield
Planning & Zoning Board
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Minutes: January 17, 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, January 17, 2008 in Council Chambers, City Hall, Northfield, was opened by Chairman Richard Levitt at 7:29 p.m. and the following members were present:

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

Norman Zlotnick Esq., Solicitor
Matt Doran, PE-Engineer

There was a reading of the Sunshine Law and a roll call. There are no applications scheduled for this evening. Dr. Levitt explained the purpose of the meeting is to further discuss the Master Plan and to schedule the public hearing. Dr. Levitt introduced the Board's new Solicitor, Mr. Norman Zlotnick, and welcomed him to the Board. Mr. Zlotnick thanked the Board and said it was an honor to succeed Tom Subranni.

Dr. Levitt asked Mr. Zlotnick to explain the legal requirements. Mr. Zlotnick said at this point, the first step is for a motion to tentatively approve the Master Plan. Once approved, a public hearing date is scheduled. This is published in the official newspaper (The Press) at least 10 days prior to the hearing. Dr. Levitt asked if the Master Plan could be published by reference and Mr. Zlotnick answered yes. Also, the surrounding City Clerks (Egg Harbor Township, Linwood and Pleasantville) will need to be noticed by certified mail or personal service. Matt Doran offered to hand-deliver the notices at least 12 days prior to the hearing. The notices will include the language that a copy of the document is on file with the City Clerk and available for public inspection. Mr. Zlotnick added that the Atlantic County Planning Board also must be noticed including a copy of the final draft of the Master Plan. Mr. Zlotnick will e-mail the Secretary a sample of the ad to be placed. Mr. Doran will see that Carol Raph receives a final draft copy of the Master Plan. Dr. Levitt asked if there were any questions from the Board members. There was no further discussion. The date for the hearing will be March 6, 2008 and Dr. Levitt said an

application could also be scheduled for that evening. Dr. Levitt asked for a motion for approval of the proposed Master Plan re-examination for presentation to the public. Mr. Milone made the motion and Mr. Roegiers seconded. A roll call vote of all present members was unanimous for approval.

Dr. Levitt gave a brief explanation of the ordinance. All commercial permitted uses involve SIC codes and problems are being created due to changes in technology. Certain types of businesses today may not even be mentioned in the codes. More descriptions are needed in the zones, but they should not be too inclusive. Dr. Levitt described the importance of permitted uses in certain zones. Mayor Mazzeo asked how the Board handles change of use applications since there are new members. Dr. Levitt suggested that Mr. Zlotnick explain the different types of variances to the Board and the difference between a bulk and a use variance and the different standards. Also of importance is positive and negative criteria, the legal impact of change, and the good and harm that can result by permitting a change. Dr. Levitt said we are a city of homes that also needs to promote businesses and protect the residents at the same time.

Mr. Zlotnick explained that "C" variances are bulk variances (involving setbacks, minimum square footages, etc.) that result in physical changes to the property itself. The applicant is asking for the right to construct something more or less. There are C1 and C2 bulk variances. The C1 variance is a hardship variance to change physical characteristics which would present a hardship if held to standards specific to the property. The variance is a deviance from required setbacks. The C2 variance is a 'flexible C' variance. The applicant wants to deviate from requirements and by the Board allowing this, the applicant will be better using the ground and making better use of the property and zone. Any detriments are greatly outweighed by the positives. A majority vote is needed. The "D" use variance does not involve physical characteristics. The use of the property is affected. This type of variance is usually more difficult to obtain due to set zoning laws. Five affirmative votes are necessary out of seven. Positive and negative criteria are the same as the "C" variances in relation to the affect on the public good and the neighborhood. Dr. Levitt noted that use variances need special attention and Master Plan objectives are also important. Dr. Levitt gave an example of a use change using Mazzeo's Fruit and Produce as an example. The property is in a residential zone and gained approval for use as commercial storage.

Dr. Levitt next referred to a letter from the previous City Solicitor, Keith Bonchi, concerning tattoo parlors and permanent cosmetic facilities. He wrote a letter to the Cosmetology Licensing Board and was informed that tattooing is not considered cosmetology. It is unclear exactly what zones these establishments fit into. Mayor Mazzeo explained that an opinion was sought by Council since Esthetica Beauty Salon wanted to continue doing permanent cosmetics. Mr. Bonchi said they would have to perform this in a separate building or construct a wall with a separate entrance from the Beauty Parlor. Dr. Levitt said this is an example where a use variance may be needed. Mr. Doran explained the procedure should be the applicant applies for the use to the Zoning Officer and if approved, an appeal could be made to the Board, and if denied by the Zoning Officer, the applicant could come before the Board for an interpretation of the Zoning Official's decision. Mr. Doran said instead of using SIC codes, which allow certain businesses in certain zones, the language should be broad in definition of what is allowed and prohibit certain uses in certain zones. Mr. Shippen questioned that is he correct in understanding that a use is not specifically prohibited, but not automatically allowed? Dr. Levitt said that is correct. He continued by saying that the advantages of an interpretation are that it is less costly than a use variance and is judged by the Board at a lower standard. The Zoning Officer makes the call as to whether there is an appeal before the Board or an interpretation of his decision of approval or disapproval. Mr. Shippen asked if the public can comment on use issues and Dr. Levitt stated "always". Mr. Doran added that in the Ordinance, it should be defined exactly what tattoo parlors are allowed to be in specific zones and that you cannot simply disallow tattoo parlors. Mr. Clifford asked that if parlors are allowed to do eyebrow or cosmetic tattooing, couldn't they evolve into a

business less desirable? Dr. Levitt commented that whenever the Board allows a use change, it stays with the property, not the applicant. An example is that if a residential property is changed to commercial, it stays commercial. Mr. Doran noted that conditions are a very important part of the Resolutions of Decision. Mr. Roegiers added that use changes can also be deed restricted. Dr. Levitt gave TJ's on Wabash Avenue as an example. It was used by a medical supply storage company, who has since moved out, and it now is a construction yard in a residential zone. He then added that some use changes can be an improvement to a property and surrounding areas. Nicely landscaped office buildings with good business hours and low intensity lighting can be a good buffer for residential properties from highways.

Dr. Levitt asked if Mr. Doran was getting started on the Ordinance. Mr. Doran said he is working with Mr. Landgraf and a committee needs to be formed to review the Ordinance. Mr. Doran has on file certain contradictions that exist in the Ordinance. Dr. Levitt said himself and Mr. Scharff would volunteer. Mr. Shippen added that he would also like to volunteer. Mr. Milone commented that he cannot commit at this time since his wife is ill. Dr. Levitt commented that the Ordinance process is similar to the Master Plan process. The Board will have to approve a final draft, there will be two readings at Council meetings and then the Council will accept the Ordinance. The final copy goes to the Clerk's Office.

Dr. Levitt mentioned the education requirement. All Board members must take the five hour required class within 180 days of their latest appointment.

Mr. Zlotnick stated he read Keith Bonchi's letter and that it started with an inquiry from Carol Raph, City Clerk, with regard to where and how cosmetology and tattooing can be allowed. Mr. Doran will write a letter to Dr. Levitt outlining changes in the Ordinance that need to be addressed and the committee can start with that. Dr. Levitt brought up the idea of COAH compliance. Mr. Doran said that is a long way off and to zone that way will not relieve the city of any legal obligations. Mr. Zlotnick used Hamilton Township as an example and said that COAH is a daunting process. If the city is not in compliance today, they should wait until the third round of regulations. At some point, it will be important to start working on plans to insulate from being sued by developers and to create reasonable opportunities for low and moderate income housing which is not Section 8 housing. Dr. Levitt brought up the Arthur Henry site and the Country Club as important zoning areas to be looked into. The Country Club is now casino industry owned and protections will be necessary since the city does not have the resources to use all that land for housing. Dr. Levitt said a proposal is needed for Council for funding of the Ordinance project. Mr. Doran will need to come up with an estimate. This is mandated by the state and must be given priority. Mr. Doran noted that the Country Club will be the most costly. Dr. Levitt said Mr. Doran will be working with an outside Planner on this project and will need to estimate the number of hours necessary. Dr. Levitt asked Mayor Mazzeo to ask the Chief Financial Officer if funds have been put aside for this project. Dr. Levitt asked that a goal for June be set since we are over the time limit of two years according to the law. The ordinance has expired. Mr. Shippen asked for a copy of the contradictions in the Ordinance. Mr. Doran said the committee will have an outline to work from.

Dr. Levitt mentioned another problem as being the unit storage pods that are on the city streets and this should be addressed and added to the Ordinance. Margate and Linwood have done this. He described them as being like sheds in front yards and in the streets and are similar to vending machines outside of businesses and are unsightly.

Mayor Mazzeo brought up neon lights and the new LED technology. Dr. Levitt gave a brief history of neon lighting permission. The Board originally wanted none of it, but Council permitted it with a lot of restrictions. They are allowed in windows where there are no other signs.

The meeting was closed with a motion from Mayor Mazzeo and a second from Mr. Roegiers at 8:28 p.m.

Respectfully submitted,

Robin Atlas, Secretary to the Board