

# City of Northfield

## Planning & Zoning Board

1600 Shore Road

Northfield, New Jersey 08225

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Minutes: January 4, 2007

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 reorganization meeting of the Northfield Planning & Zoning Board, held on Thursday, January 4, 2007 in Council Chambers, City Hall, Northfield, was opened by Chairman Richard Levitt at 7:27 p.m. with the following members present:

Dr. Richard Levitt-Chairman  
Clem Scharff-Vice Chairman  
Mayor Frank Perri  
Jimmy Martinez, Councilman  
Jeffrey Bruckler, City Administrator  
Ron Roegiers  
Nick Droboniku  
Pete DaPrato  
Henry Notaro  
Guy Schlachter  
Lou Milone-absent  
Jason O'Grady

Scott Zauber, Esq. for Thomas Subranni, Esq.- Solicitor  
Matt Doran, PE-Engineer

There was a reading of the Sunshine Law and roll call with the above members absent.

The meeting opened with reorganization. Mayor Frank Perri swore in four new members: Jeffrey Bruckler, City Administrator, Jimmy Martinez, City Councilman, Guy Schlachter, and Jason O'Grady. Next, the yearly appointments were assigned. Mayor Perri made the motion to appoint Robin Atlas to Board Secretary and was seconded by Mr. Bruckler. There were no other nominations. The one year term was voted for approval unanimously. Mayor Perri made the motion to appoint Thomas Subranni, Esq. of Subranni, Ostrove & Zauber Law Offices in Atlantic City to Board Solicitor for a one year term. The motion was seconded by Mr. DaPrato. All voted in favor. There were two applications for Board Engineer. The Board passed a resolution to go into closed session to discuss the applicants. The resolution was passed by a unanimous voice vote. The members discussed the two applicants-Matt Doran, PE of Doran Engineering, PA in Pleasantville and Remington, Verrick and Walberg Engineers also of Pleasantville. The Board then reconvened publicly to vote on the appointment. Mr. Schlachter made the motion to appoint Matt Doran as Board Engineer for a one year contract and Mr. DaPrato seconded. All voted

unanimously in favor of the appointment. There was a quick discussion as to which members would be alternates. Pete DaPrato will move into the unexpired seat left by Arturo Barrera's resignation last year. This term will expire at the end of 2007. Councilman Jimmy Martinez is the new Council Liaison to the Board. Henry Notaro will move into the Alternate #1 opening, Guy Schlachter will be Alternate #2 and new member of the Board, Jason O'Grady, will assume the Alternate #3 position. All alternate terms will expire at the end of 2007 since they were all unexpired terms.

The Regular meeting began at 7:41 p.m. The first application of the evening is from Chris & Amy Murray. They are seeking a "C" variance for a front yard setback on Broad Street and Fairway Avenue, Block 145, Lots 1 & 2, located at 43 Fairway Avenue in the R-2 Zone. They want to remove an existing porch and construct a one story addition. The property is located on a corner. The Murrays were sworn in by Chairman Levitt and their attorney is Keith A. Davis of Perskie, Nehmad & Perillo.

The Murrays want to enclose the existing porch and add heating to allow for increased living space for their family which includes two young children. The existing frontage is 25.90 feet and 25 ft. is required. The applicants are proposing 24.57 ft. The proposed addition to the existing two story home is 224 sq. ft. Mr. Davis gave positive criteria in that the one story addition will provide an improved and desirable visual environment and he does not believe there is any detriment to the public good or to the zoning ordinance. Building coverage is less than permitted. The maximum building coverage is 30%, currently there is 12%, and the proposed percentage is 13.7%. This is well below the requirement and will not be a detriment to open space. Impervious coverage is less than required at 14.46 % existing and 16.30 % proposed. The requirement is 40%. The siding will be cedar. Mr. Davis provided photos of local existing homes in similar situations and believes their improvements have complimented their neighborhoods.

Mr. Doran addressed his Engineer's report. Adequate testimony has been provided and curbs and sidewalks exist. Mr. Doran addressed shade trees. Mr. Davis said that the expansion is minimal and asked for a tree waiver. Mr. Murray testified that lawn and shrubbery exist. Mr. Doran stated that the house and porch are very close to Broad Street and that a tree placed near the corner would be in the site triangle. A shade tree would be possible between the house and the garage. Mr. Roegiers asked about trees that used to exist on the property. Mr. Murray said he removed a stump and a dead maple tree for safety reasons on the Fairway side. Mr. Scharff commented that there exists a lot of floral landscaping. The Murrays agree to add one shade tree on Fairway. Mr. Doran continued by describing a grade level slight patio that encroaches over the property line. Mr. Murray stated that it has been removed. Mr. Doran noted that the garage is 10 ft. from the street and in order to comply with the need for 2 on-site parking spaces, they will need to use the garage as one parking space. Mr. Doran said that the applicants will need to deed consolidate the lots (1 & 2) since they are each non-compliant. The applicants agreed to do so.

Dr. Levitt asked if anyone from the public wished to be heard. Seeing no one, he closed the public session. Dr. Levitt asked for a motion. Clem Scharff made the motion for a "C" Variance request for 2 front yard setbacks on Broad Street and Fairway Avenue, the addition of 1 shade tree, and an agreement to consolidate lots 1 & 2. Mr. Bruckler seconded the motion. The following members voted in favor of the motion: Mayor Perri, Mr. Martinez, Mr. Bruckler, Mr. Scharff, Mr. Roegiers, Mr. Droboniku, Mr. DaPrato, Mr. Notaro and Chairman Levitt.

The second application is from Sigano's Realty, L.L.C. for the property located at 1317 Tilton Road, Block 41, Lot 22 in the O-PB Zone. The proposed use is Retail. The applicants are requesting Site Plan approval with "C" and "D" variances. The square footage of the proposed building on an irregularly shaped lot is 4290 sq. ft.

The professional witnesses were sworn in by Dr. Levitt. Richard Milstead, Esq. is the attorney, Robert Bruce is the Engineer, and Robert Curtain the Architect.

Mr. Milstead began by telling the Board that the lot had previously housed a Pizza Restaurant, Barber Shop and a Residence. It is now vacant land. The "C" variances requested are for setbacks, parking, height and coverage and the "D" variance is for Floor Area Ratio and CB Retail uses. The land is wedged between Center Point Plaza to the north and Swift Law Firm to the South. The frontage is 58.97 ft. The depth of the irregular lot is 101 ft. Mr. Milstead commented that he believes the variances are attributable to the size and shape of the lot. He continued by describing zoning uses. The lot in question is in the OP business zone which allows for such types of businesses as follows: Appliance stores, Stationery stores, Professional Offices, Hobby shops, Radio & TV stores, Book stores, Game shops and Camera shops. One of the "D" variances the applicants are seeking is to allow uses permitted in the CB Zone. The neighboring Sigano's-owned Center Point property is in the CB zone. The O-PB/CB zone borderline runs between the two properties. CB zone uses are compatible with O-PB uses and with Center Point Plaza. They include: General Merchandise, Liquor stores, Clothing stores, Food stores, Professional Offices and Drug stores.

Dr. Levitt asked Mr. Milstead if they would be willing to exclude medical uses. He believes the applicant would agree to that. Restaurants are permitted in the CB zone but Mr. Doran noted that at least an acre of land would be needed. This lot is less than that. Dr. Levitt noted that parking must be located on the same lot as the building. Mr. Doran noted that his report requests a deed consolidation. Dr. Levitt commented that the type of use will need to be determined due to the relation to parking issues.

Other variances the applicants are seeking include:

- Use variance for Floor Area Ratio-.20 is permitted, .52 is proposed
- Rear yard variance-3.50 ft. is required, 3.62 ft. is proposed
- Side yard variance-15 ft. required, 11.7 ft. proposed
- Building Coverage variance-25% required, 39.7% proposed
- Height variance- 25 ft. required, 26 ft. proposed

Initially, the applicants were requesting a sign variance, but have decided to postpone that request and wait for the tenants to determine what type of signage they will need.

Mr. Milstead and the Board discussed uses for the property. Chairman Levitt referenced Land Use Laws described in the CB Permitted Uses section (Section 10.8 beginning on page 10-21). It was established that all OP uses would be allowed and certain agreed upon C-B uses.

Numbers 1 through 6 are not an interest to the applicants (Construction, Contractors, Special Trades, Communication Services, Wholesale Trade and Hardware or Garden Supply). Other types of uses that will not be included as permitted uses are: Furniture and Equipment Stores, Drug Stores, Liquor Stores, Dance Halls or Schools, Membership Organizations and Medical Offices. Uses that will be allowed are as follows: General Merchandise Stores, Apparel and Accessory Stores, Food Stores (Deli or Specialty foods), Miscellaneous Retail, General Office, Insurance or Real Estate Offices, Investment Offices, Personal Services (Beauty Shop or Barber Shop), Business Services, Miscellaneous Repairs, Accounting and Legal Services, Computer and Data Processing, and Social Services. Restaurant uses would have to meet total square footage, retail and seat requirements as they relate to the parking ratio. The applicants are offering 20 parking spaces which would only allow for a 60 seat restaurant (1 parking space per 3 seats). Dr. Levitt commented that any use will have to comply with the parking ratio. Any restaurant is a conditional use subject to the parking formula. It was then determined that a restaurant use in the CB zone would require one acre of land and also, since restaurant use is a conditional use, they would need to come back to the Board for variance approval for that type of use. Permitted

Accessory Uses were then discussed. Those excluded would be: Private garage space, Maintenance and storage buildings, and Auto and Service stations. Included would be: Off-street parking and Signs.

Robert Bruce described the project and site improvements. The property is a 7,400 sq. ft. vacant irregular lot. The proposed building will have a first floor of 2,950 sq. ft. with a mezzanine of 900 sq. ft. for a total of less than 4,000 sq. ft. Low shrubs, Honey Locust trees and greenery will be added to the front of the site. Currently there is 98% impervious coverage. With the addition of the greenery, this will be reduced to 65%. 20 parking spaces as required will be in the rear of the site. Sigano's Realty owns the property towards Margate and this area has been previously approved for the construction of four 2,500 sq. ft. buildings. There is also previous approval for a cross drive from Center Point to this site. They are proposing to permanently lease 20 spaces at the rear of Center Point (Employee lot). These would be dedicated to the new retail use for the new building. They will then take 20 spaces from the previously approved project for the new employee lot, and will not construct 2 of the 4 buildings for a total of 5,000 sq. ft. This will leave 25 spaces for the 2 un-constructed previously approved buildings. This will provide adequate parking for the 2 buildings and balance the parking ratio.

Dr. Levitt discussed the ordinance referring to parking being contained on the same lot as the use. Mr. Bruce noted that the parking number will stay the same. They are simply re-designating the spots. Mr. Doran read the Parking Ordinance and it was determined that the parking can be on separate lots if adjacent and in compliance.

Mr. Bruce commented that they plan to widen and improve the entrance and exit from Tilton Road to the site. Site drainage is not a problem and he reiterated that impervious coverage would be decreased which is an advantage to storm water management. Mr. Droboniku reminded that not constructing the 2 buildings would be adding pervious coverage.

Mr. Siganos was sworn in and testified that tenant leases will reflect the proper places for employees to park. Mr. Roegiers noted the lot numbers which will not contain the previously approved structures as Lots 13 & 14 and that these lots would be designated as employee parking areas.

Mr. Doran commented that deed consolidation or easements will be required. It was agreed that perpetual cross easements would exist. There will be an easement for Lot 22 with the Center Point Lots 4, 5, and 23 and a cross easement between lots 13 and 14 and Lots 4, 5 and 23. Mr. Scharff asked who would maintain the parking lots. Mr. Milstead said Sigano's Realty would be in responsible for this.

Mr. Bruce reviewed the Bulk Variances they are seeking. Lot area is below the minimum at 7,492 sq. ft. where 10,000 sq. Ft. is the minimum. They now conform to two of the setbacks which in the original plans did not conform. The front yard setback to Tilton Road now complies at 25 ft. and the side yard setback on the Swift Law Firm side conforms at 15 ft. They are seeking a side yard setback which abuts to the paved cart way or access drive for 11.7 ft. where 15 ft. is required. The rear setback is at 3.62 ft. to the overhang of the structure. 25 ft. is required. They do not believe either of these variances causes any intrusions. A Building Coverage variance is needed where 25% is the requirement and 39.7% is proposed. The previous structure on the site was almost 100% coverage. Mr. Bruce asked the Board to consider the small size of the lot and the modest size of the building. Considering Floor Area Ratio, the requirement is .2% in relation to the total of all floors and any structures, and they are proposing .52%. Again Mr. Bruce asked the Board to consider lot and building size and to note that 1/3 of the building is on the second floor and that the entire structure is less than 40%. Also they will not be occupying the entire 2<sup>nd</sup> floor.

Mr. Rob Curtain gave his presentation. He submitted Exhibit A-1 which is a rendition of the proposed building. He stated the building is of Mediterranean character which will house two separate tenants at the most. This project is expected to be the beginnings of future improvements by Sigano's at the Center Point Plaza location. There will be conforming signage on the front of the building and there will be a window in the center of the mezzanine area. They will need a 1 ft height variance to incorporate the peak of the mezzanine at 26 ft. where 25 ft. is required. There will be no basement. Mechanicals will be internal in the mezzanine area and ground mounted. They will share trash dumpsters with Center Point. Dr. Levitt noted that a trash easement will need to be reviewed by the Board's Solicitor. Mr. Curtain commented that the rear of the building will front a parking lot and that there is no rear entry to the building proposed at this time. The roof will have the appearance of a tile roof whether real or artificial. Dr. Levitt asked about construction from the front of the building to the curb. There will be a combination of pavers, planting areas, trees, concrete and sidewalks. Mr. Curtain next submitted Exhibit A-2 which is a site diagram of what type of structure they could build if they adhered with the ordinance for comparison with the upscale building they would like to build. It would not be economically feasible to the owner to construct a new building that is similar to the one demolished.

Mr. Doran addressed two issues. One deals with screening mechanicals and the other with the loading zone requirement. Mr. Bruce asked for a waiver for the loading zone since they only expect small deliveries and can use the parking area for such loading. The trash will be contained indoors until it will be placed in the dumpsters. Mr. Bruce said that the mechanicals will be in the rear of the building surrounded by landscaping. Dr. Levitt commented that landscaping will be needed between the new building and the Swift Law firm. Mr. Doran commented that all other issues in his report have been addressed. Mr. Bruce stated that they agree to all of Mr. Doran's suggestions.

Mr. Milstead summarized. He believes special reasons exist for granting the use variances and that negative criteria requirements have been met. Due to the limited size and shape of the property, the property presents a hardship and there is not a whole lot that could be built there regardless of who owns the property. They believe there is no detriment to the public good. They are requesting two use variances-one for the retail uses and one for Floor Area Ratio. It was decided to vote on the 2 use variances separately. Dr. Levitt recognized that there was no one from the public who wished to speak.

Mr. Droboniku made the motion and it was summarized as such: A Use variance to permit items noted earlier from Section 10.8-Permitted uses in the C-B Zone. The permitted items are: Nos. 7, 8, 9, 10, 12, 13, 14, 15, 16, 17, 19, 20 and 21. Excluded would be: Medical Uses, Maintenance and storage buildings, private garage space and auto and service stations. Accessory items included would be: Off-street parking and signs. Also included would be any permitted uses in the O-P Zone. Mr. DaPrato seconded the motion. The following Board Members voted in favor of the motion: Mr. Bruckler, Mr. Schlachter, Mr. Scharff, Mr. Roegiers, Mr. Droboniku, Mr. DaPrato, Mr. Notaro, Mr. O'Grady and Chairman Levitt. The elected officials are ineligible to vote for use variances. The second use vote was for Floor Area Ratio of .52%. The same members as noted above were eligible to vote and all voted in favor after a motion from Mr. Droboniku and a second from Mr. DaPrato.

The next vote was to approve the "C" Bulk Variances. Mr. Scharff made the motion. The variances are summarized as such:

Rear 3.62 ft.  
Side 11.7 ft.  
Height 26 ft.

Building Coverage 39.7% for a 7,200 sq. ft. building  
A variance for a 7,200 sq. ft. building where 10,000 sq. ft. is  
required  
Width of lot 58.97 sq. ft.

Mr. Roegiers seconded the motion. Mayor Perri abstained to allow the new members a chance to cast their votes. The following members voted in favor: Councilman Martinez, Mr. Bruckler, Mr. Schlachter, Mr. Scharff, Mr. Roegiers, Mr. Droboniku, Mr. DaPrato, Mr. Notaro and Chairman Levitt.

The Site Plan (Major) was voted on next. The approval is subject to review of Parking Easements and all easements before mentioned including access and trash easements, a waiver for the required loading zone, there will be no more than two tenants, they agree to abandon the previous approval for the construction of two buildings on lots 13 & 14 (5,000 sq. ft. total), and the leases will reflect designated employee parking lots. Motions, seconding and voting was the same as for the Bulk variances. The motion was unanimously approved.

There was one Resolution to Memorialize from the last regular meeting for the DeFelice "C" Variance approval. Mayor Perri abstained. A voice vote was unanimous. Approval of the meeting schedule resolution was also unanimously approved by voice vote and will be published in The Press of Atlantic City on January 11, 2007.

The first meeting of the year 2007 was closed at 9:29 p.m. with a motion from Mr. DaPrato and a second from Mr. Schlachter.

Respectfully submitted,

Robin Atlas, Secretary to the Board