

City of Northfield
Planning & Zoning Board
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Minutes: October 18, 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 regular meeting of the Northfield Planning & Zoning Board, held on Thursday, October 18, 2007 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 Frank Perri
Jimmy Martinez, Councilman-absent
Jeffrey Bruckler, City Administrator
Ron Roegiers
Nick Droboniku-absent
Pete DaPrato
Henry Notaro
Guy Schlachter-absent
Lou Milone
Jason O'Grady

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

There were three applications on the agenda this evening. The first application was from Brett Perlman who resides at 3 Julie Drive, Block 1.03, Lot 15 located in the R-1 zone. The application is a "C" variance request for a front yard setback and the project involves the construction of a Porte-cochere at the front entrance. The applicant was represented by Brian Callaghan, Esq. of Atlantic City. Thomas Sidrane of Northfield, the applicant's architect, and Mr. Perlman were sworn in by Chairman Levitt.

Mr. Callaghan began by describing the Porte-cochere. The driveway is circular and the structure at the entryway has a roof. Building and total coverage do not conform due the roof. The requirement for building coverage is 25% and the proposed is 31.04%. Total coverage required is 40% and 41.92% is proposed. Mr. Callaghan presented two exhibits. Exhibit A-1 is the project plan and Exhibit A-2 is a photograph belonging to a neighbor who was considering construction of the same type of Porte-cochere. Mr. Callaghan said the photo looks similar to the structure Mr. Perlman intends to build.

Mr. Sidrane explained the project. The home is one house in from the corner of Julie and Dani Drives. He said a Porte-cochere is a covered parking area with a drive-thru. Additional paving and a new curb cut will be added. The project will spruce up the front of the home and the applicant

intends to add additional landscaping. A noticeable change will be the two columns in front which are 3.6 square ft. There will be no negative impact to light and air or to the neighbors. The area will not be enclosed. Mr. Sidrane testified that the project will enhance the property in a neighborhood with high-end homes and the project will be in the character with the neighborhood. At present there is minimal landscaping and the additional landscaping will be an improvement and will add an aesthetic value. There is one tree that will be relocated and there is no detriment due to the project. Mr. Sidrane said that if you look down the street you will see many street trees of 3" to 4" caliber approximately 10 ft. high which create a wall effect and even though the front setback is at 9.6 ft. you won't see the driveway until right in front of the house. The protrusion from the house is 13 ft. wide and 20 ft. off the front of the house. The columns are 16 inches. Mr. Sidrane stated that there is no negative impact that he can see.

Mr. Doran read his letter and all items have been addressed.

Dr. Levitt opened the public session. Terry Fisher is a neighbor who lives across the street and is in favor of the project. He thinks it will improve the neighborhood. Robert Ross resides at 4 Julie Drive and likes the plan and would like to do a similar project at his own property. He thinks it will add to the character of the house. Guri Bruner of 7 Dani Drive said he believes the project will improve the neighborhood and the house. Members of the public were sworn in.

Dr. Levitt had one question before asking for a motion. He asked Mr. Callaghan if the area would ever be enclosed. Mr. Callaghan said no, it would not. Mr. Roegiers made the motion and it was seconded by Mr. O'Grady. Dr. Levitt commented that this is an uncommon application for a variance where the applicant is not squeezing more living space into the setback; instead they are intending to beautify the space.

The roll call vote of all the members present was all in favor of the granting the variance.

The second application is from T-Mobile Northeast, LLC. The original hearing was August 16, 2007 and the applicant was granted use approvals for the construction of a cell tower. The property is located at 1501 Zion Road, which houses the 1555 Zion Road office building, the Block is 95 and the Lots are 36 & 37. The property is located in the O-P Zone. They are back before the Board with an amended Site Plan which includes updated landscape plans and tree removal identification and they are seeking final site plan approval.

Mr. Warren Stilwell, Esq. of Copper Levenson in Atlantic City represented the applicant and he has a Shorthand Reporter with him by the name of Linda Calamari. Mr. Douglas Cowan, a Licensed Planner and Landscape Architect, was present to testify, as was Ahmet Colakoglu, the applicant's Licensed Engineer. The professional were sworn in by Chairman Levitt.

Mr. Stilwell began by presenting the site plan and said the applicant agreed to revise the site plan and to incorporate the Board's suggestions from the previous hearing. Mr. Cowan stated that he set up an appointment with the property owner about moving the tower and compound to completely eliminate tree removal. He visited the site and walked the property with the owner and also looked at plans the owner has to expand the uses on his property. They cannot use the grassy areas or the parking lot since those areas are already dedicated for parking and storm drainage. He met with Yost Tree Service, particularly Rick Yost, a tree expert. They have decided that only four trees will need to be removed from the buffer zone and they will be saving about thirty trees. All trees six inches or larger are identified on the new plans and they have reduced the size of the compound from 2,500 sq. ft. to 1941 sq. ft. The area will no longer be a square but will be irregularly shaped.

Mr. Cowan displayed the revised site plan as Exhibit A-1 which is a colorized version. The back is labeled Exhibit A-2 which is a larger overall site plan. He continued by describing the changes to the compound. The original application for a 100 ft. monopole located within a fenced compound remains the same. The differences are with the compound itself which will be located near the commercial side of the buffer and the location will be shifted slightly from the original plan. Also, the configuration will be slightly different and the size will be reduced to allow for the maximum number of trees to be saved. The compound will still be a four-sided figure, but will now be irregularly shaped. Only four trees will have to be removed and the plans show additional landscaping including American Holly trees to be added along the property line. Mr. Cowan presented Exhibit A-3 which is a panoramic photograph that he took by revisiting the site and it shows a wooded area including a double Hickory tree, which Mr. Yost recommends removing due to construction near the tree, which could weaken and kill the tree. Mr. Cowan stated that all trees in the photo will be saved except for the double tree. He said there are no utility issues only engineering issues and that the plan is improved. He believes the plan addresses the neighbors concerns about the buffer area and that the buffer will remain even with the removal of the four trees.

Mr. Ahmet Colakogly, the Engineer, testified next. He described the improvements. He stated that only the shape of the compound is changing and the fence will be changing to a double board on board wooden fence instead of a chain link fence. The pole size and the equipment size will remain the same. Dr. Levitt asked about future carriers and equipment and Mr. Colakoglu said future carriers would not affect any tree removal. He added that the utilities involve only electric and telephone. Dr. Levitt said that any future carriers would have to come back before the board. Mr. O'Grady asked how many future carriers the site can support. Mr. Stilwell answered that the original approval included two additional carriers plus the local government. Mr. O'Grady asked if the tower would need to be taller if additional carriers were added. Dr. Levitt said the additional carriers would be added below.

Dr. Levitt opened the public session and reminded those present that the use variances have already been approved and those issues cannot be debated. Only changes to the site plan can be addressed.

Ms. Barbara Madden asked to review the revised site plan up close. Dr. Levitt called for a five minute recess at 8:01 p.m. so the residents (approximately ten) could take time to review the plans.

The meeting reconvened at 8:08 p.m. Ms. Joan Foltz of 400 Park Lane was sworn in. Her property is on the corner and she missed the August 16th meeting. She is concerned with the negative impact to neighboring properties. She says the neighborhood is not in favor of the project. She commented that she heard that cell towers cause cancer and is concerned that property values will go down. She has concerns about health issues and asked about the omission standards. Mr. Stilwell commented that he has already submitted a report on this issue. Dr. Levitt recalled the radio engineer's comparison at the original hearing to television omissions and that cell tower omissions are less than those. Mr. Stilwell referenced the report from Kenneth R. Foster & Associates (Exhibit A-4) that states the emissions are less than .02% and that figure more than complies with the standard. Dr. Levitt added that the Board was convinced that the radiofrequency levels at the ground level were low. He said that nobody really wants to see a cell tower, but the Board is constrained by Federal Law in that they can't just say no to cell towers. Contingencies must be set up as to how cell towers can fit into communities with a minimal impact to neighboring areas in locations such as commercial properties as this application has done. The applicants showed the Board the holes in coverage in the area and described in depth other sites that they looked into. The Board was convinced that if the trees were maintained, the sight of the tower would be minimal. The Board also decided that this is a necessary facility and

will be located at the best available site in the area. Ms. Foltz asked who from the City would make sure the site is maintained. Mr. Doran said that two-year inspections are required and reports are sent to the Building Department according to Section 7 of the Ordinance. Mr. Stilwell stated that the site must be maintained and inspected. Lightening issues were addressed. And Mr. Colakoglu said that due to the tower, surrounding areas are actually safer from lightening strikes since the strike would be attracted to the tower first.

Ms. LeeAnn McGuigan was sworn in next. She said she did not receive notice of the hearing since she is not within 200 ft. of the site. She has concerns with noise and generators. Mr. Colakoglu said there will be no noise or generators. She asked about the tower in the back of City Hall. Dr. Levitt answered that the tower is being currently used and City Council did not approve the use of it for this project.

Dick Fopeano of 1606 Wells Avenue was sworn in next. He asked how tall the building is at the site. Dr. Levitt said the limit is 30 ft. He believes that the tower will stick out like a sore thumb since it will be 70 ft. higher than the existing building. He does not want it in his neighborhood. Dr. Levitt explained that saving the trees will help with the buffer. Mr. Cowan described the balloon study that was done which showed photographs from various sites in the surrounding area looking directly at the tower site. A tied balloon was launched into the air to 100 ft. to act as a facsimile of the tower in order to take the photos. Mr. Cowan testified that the balloon was not visible from his street. Mr. Fopeano said he felt it was important to have his opinion heard. Mr. Stilwell spoke about the various other sites that T-Mobile investigated for the tower location.

Ms. Barbara Madden was sworn in and asked about the other application that was presented by Giro Enterprises which owns the site in question. Dr. Levitt said that the area designated for additional parking is for reserve only should the Police Department determine that parking is overflowing onto City streets, the reserve parking will then be used. Dr. Levitt said that this application is back before the Board for site plan revisions only in order to preserve the tree canopy. Ms. Madden said she has concerns about the heavy equipment and damage to the remaining tree's root systems. Mr. Cowan answered by saying that at the request of the Board, he consulted with the tree expert about this problem and in this case, the limit of disturbance is quite small. The compound is only 40 to 50 ft. wide and is a small piece of ground and there will be some flat bed trucks delivering sections of steel and a crane will be used to raise the steel sections. The construction will not be that of a subdivision, roads or sewer lines. Mr. Cowan feels this work can be done without disturbance since the scale of development is limited and this can be provided for on the construction plan by making sure that there is no erosion. There may be some selective pruning done, but this will not harm the trees. Any hazardous conditions on site need to be avoided for construction purposes. He offered his business card to Ms. Madden in the event that should she have any problems during construction, she may contact Mr. Cowan who would be willing to come out and meet with her. Ms. Madden discussed the photos taken from the balloon test and commented that he did not take a photo from her porch. She asked Mr. O'Grady, since he was on her front porch recently, if he thought the tower would be very visible from her front porch. He said it is tough to say, but there are trees visible from the porch and the tower would be higher than the trees. Ms. Madden commented that she thinks T-Mobile compromised their standards by agreeing to make the tower smaller. Mr. Stilwell said the Radio Engineer testified that 100 ft. would be sufficient and that a number of engineers worked on the project. Ms. Madden added that she is glad they are preserving the trees and she said the Board might have been premature in approving the project considering the neighbor's concerns. She concluded by saying that she wonders how the City can afford to turn down the tower use at the City site. Dr. Levitt said that is not a decision of the Board.

Ms. Joan Foltz had an additional question. She asked what time construction work would be starting in the morning. Dr. Levitt said the City has a noise ordinance that will have to be abided by. Mr. Bruckler said the noise ordinance states work can begin after 7:00 a.m.

Mr. Joe Skladanek of 404 Park Lane was sworn in next. He believes that no trees should have to be cut down. He asked if a 50 ft. tree dies, will they be able to replace it with another 50 ft. tree. Mr. Stilwell commented that he is not authorized to agree to that. He was not opposed to saying that the applicant would replace any trees that die with one that would grow. Mr. Skladanek stated that from an environmental standpoint, he believes the Audubon Society and the DEP would be concerned about a 100 ft. tower and wants to know if the project was cleared by them. He said he has seen ducks and geese fly over the area. Mr. Stilwell said that a NEPA study (National Environmental Protection Study) is required and the report takes into account environmental issues, endangered species and State historical preservation and he noted that the report found nothing to indicate a problem. Mr. Skladanek asked if a copy of the report had been provided to the Board for the record and Mr. Stilwell said he could do that. Mr. Skladanek said he suspects there will be trouble with the DEP if there is any interference with migratory birds. Mr. Stilwell answered that any approval granted is subject to all other required approvals and that they cannot violate any requirements. Mr. Skladanek added that the area is a habitat for hawks and owls and he has even seen an eagle and he has concerns about the environmental impact.

Dr. Levitt closed the public session.

Mr. Doran referred to his report and said it has not changed since the prior report. He outlined the four variances that are needed due to the changes. Due to the relocation of the tower, it is now is substantially closer to the parking lot and the retention swale to save as many trees as possible. In regards to setbacks, the side setback requirement is 100 ft. and they are proposing 65.97 ft. and the rear setback requirement is 100 ft. and they are proposing 37.20 ft. The third variance involves distance from the residential area which has a requirement of 250 ft. and they are proposing 135.71 ft. and the fourth involves the equipment area which is has a maximum requirement of 100 ft. and 200 ft. is proposed. All other use variances and radiofrequency studies were testified to at the prior hearing.

Mr. Stilwell had no other testimony to present. Dr. Levitt summarized by stating that the Board is constrained by Federal law and cannot just say the City wants no additional cell towers.

The Board voted on the variances first. Mr. Bruckler made the motion and Mr. Milone seconded. Mr. Roegiers abstained since he was not in attendance at the August 16th meeting. All members present voted in favor of the variances with Mr. O'Grady voting no. The site plan was voted on second. Mr. Bruckler made the motion and Mr. Milone seconded. All members present were eligible to vote and voted in favor with Mr. O'Grady voting no.

The third application on the agenda was Commerce Bank, N.A. located at 1203 Tilton Road, Block 41, Lot 3 in the CB Zone. The attorney representing the bank is John Kaplan with Fox Rothschild of Atlantic City and Derrick Jordan, a licensed engineer with Bohler Engineering of Warren, NJ. Mr. Kaplan began by stating the now vacant bank has received previous approval from the Board and they are back this evening since the grading has changed due to the repaving of the New and Tilton Road intersection and they want to request the addition of two freestanding signs and five building signs. Dr. Levitt clarified that the building will still be used as a business office as part of business operations for Commerce Bank, but would not operate as a banking facility. Derrick Jordan, a Licensed Engineer for eight months, listed his qualifications for the Board and was accepted and sworn in by Chairman Levitt.

Mr. Jordan presented Exhibit A-1 which has already been shown before the Board and is a colorized version of the site plan. Exhibit A-2 is also a colorized site plan and this plan shows an additional five trees to replace those removed and several shrubs which will increase the buffer. They also plan to increase landscaping throughout the site.

Dr. Levitt asked about the five pear trees that were removed. Mr. Jordan said there is a row of twelve trees between the site and Center Point Plaza and five trees were removed during construction by the contractor. Exhibit A-2 shows 30 shade trees and 600 shrubs on the plan. Mr. Jordan said Commerce Bank appreciates and maintains their landscaping. They will be planting five trees to replace those lost as well as additional shrubs which will increase the buffer on the Center Point side. The original plan called for three shade trees and 150 shrubs as opposed to the new plan of 30 shade trees and 600 shrubs throughout the site.

Mr. Jordan stated that due to the DOT repaving on Tilton and New Roads, which rose the grading, they are forced to repave a significant portion of the parking lot for storm water management and they also need to change the lighting layout. A waiver is needed from minimum lighting requirements of 75% of the average for a small section on the site.

They are also asking for variances for signage. They want to add two freestanding signs, one on Tilton Road and the other on Route 9, and they will be 24 sq. feet in area. The benefits from the signage include visibility for motorists. The required setback is 15 ft. and they are proposing 10 ft. on Tilton Road. The five building mounted signs include one Commerce Bank sign over the front door on Route 9 and one over the door facing Lot 4. The three logo signs (the Commerce "C" logo) will be on the existing tower and the variance is due to the size in square footage. Mr. Roegiers asked why the sign on Tilton Road can't be further back. Mr. Jordan said the sign would be in the parking lot and they want to maintain as much parking as possible. Mr. Jordan added that the free standing signs have the required three ft. opening at the base, but they will be adding a solid steel base with landscaping. Dr. Levitt asked if the signs were in any site triangles and Mr. Jordan answered no.

Mr. Doran referred to his Engineer's report. With regards to the trees removed, the contractor and pavers were aware that the trees were to be saved, but when the curbs were put in, it was apparent that the roots of the trees would have to be cut, so the trees were removed. Mr. Doran asked that they come back to the Board with a reforestation plan. Minor grade changes have been made, but they do not affect drainage. The signage was addressed. It was discussed as to how limiting the variance could be for the "C" signs on the tower. Mr. Doran said they are 52 sq. ft. and Mr. Subranni added that the variance can be limited to the sq. footage of the "C". Mr. Doran said a variance is needed for the free-standing signs for the steel panels added to the required 3 ft. opening at the base of the signs which should be clear or open. Mr. Doran said they are not in any site triangles. The other variance for the free standing sign on Tilton Road is for the setback at 10 ft. where 15 ft. is required. He also added that the lighting variance is very minimal.

Mr. O'Grady commented that he has concerns over the number of signs and people coming onto the site thinking it is a bank. Dr. Levitt agreed that there was a lot of signage including the Commerce Branch office across the street. Mr. Jordan stated that the free standing sign at the branch says "Open 7 days a week" and the signs at the other site will say "Commerce Center" and is designated as such so that a customer will see the signs and know Commerce is in the community, but will not recognize the Center as a branch for banking. Mayor Perri asked about the height of the freestanding signs. Mr. Doran answered 7.1 ft high and 24 sq. ft. in area. Dr. Levitt asked about the purpose of the tower other than displaying the "C" logos and Mr. Kaplan

said the tower is pre-existing and rather than leave a plain white tower, Commerce wants to dress it up.

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

Dr. Levitt asked for Board discussion. Mr. O'Grady and Dr. Levitt agreed there are a lot of signs. Dr. Levitt asked for more justification. Mr. Kaplan said the two door signs comply. Mayor Perri asked where the building signs were on the plan. Mr. Jordan referred to the elevation plan and described where exactly the signs would be placed. Mr. Kaplan said the street signs are for identification and the tower is existing. He added that Commerce doesn't want to have a plain white tower. The "C" logos will be on three sides of the tower with the side facing McDonald's being blank. Dr. Levitt commented that with all the trees, the view of the signs will not be from one visual perspective and you won't see all the signs from any one angle.

Mr. O'Grady made the motion for all the variances, the site plan, landscaping changes and the minimal lighting changes (less light). Mr. Roegiers seconded the motion. All members present voted in favor.

There was one resolution to memorialize for Dr. Nazha for 801 New Road, LLC. Mr. Notaro abstained due to absence at that hearing. By voice vote, all members voted in favor.

There was one member of the public who wished to address the Board. Mr. Thomas Wolfe, A Northfield resident, commented that the DeFelice property on Second Street, that was recently subdivided, looks awful. Dr. Levitt said that he would need to contact the Zoning Department to file a complaint as the Board has no enforcement authority. He said if warranted, the Zoning Official will site the homeowner and possibly bring the case to court. Mr. Wolfe reported that a "For Sale" sign went up the next day for the lot and the developer went next door to the neighbor to ask him to call the Water Co. to remove the meter (the DeFelice property is tied in somehow) hoping that the road would then be opened. Mr. Wolfe does not feel this is right and he doesn't like the look of the lot as it is now. Mr. Doran said he has received complaints that the fence has not been installed, but he doesn't think the Board set a time limit in the resolution. The builder wants to wait until the lot is sold to find out what kind of fence the new owner wants. Dr. Levitt added that the developer won't get a CO if the terms of the Resolution are not fulfilled and he suggested Mr. Wolfe go to the Building Department to view the Resolution that is on record.

Mr. Wolfe addressed the subject of Board attendance. He asked why members of the Board who do not show up at meetings are not removed. Dr. Levitt said the Statute provided by the Board Solicitor reads that a member cannot miss more than four meetings or eight weeks and according to the law a member would be off the Board if over the limit set by State law. The Board would have to vote on an excused absence. Mr. Wolfe asked what the criteria are and Dr. Levitt said the situation has not come up since he has been on the Board. Mr. Bruckler suggested that criteria should be on a case by case basis.

The meeting was closed at 9:13 with a motion from Mr. O'Grady and a second from Mr. Roegiers.

Respectfully submitted,

Robin Atlas, Secretary to the Board

