

City of Northfield

Planning & Zoning Board

1600 Shore Road

Northfield, New Jersey 08225

(609) 641-2832 Ext. 127 Fax (609) 646-7175

Minutes: October 5, 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, October 5, 2006 in Council Chambers, City Hall, Northfield, was opened by Chairman Richard Levitt at 7:36 p.m. with the following members present:

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

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

The meeting opened with a reading of the Sunshine Law and roll call was taken with absent members noted above.

Chairman Levitt began the meeting with a request for a motion to approve a Resolution for Steven & Nancy Jansen. All members present were eligible to vote and the voice vote was unanimous.

There was one application on tonight's agenda. 801 New Road, LLC, owned by Dr. Naim Nahza, located at 801 New Road, Block 48, Lots 6,8,9 & 10 is seeking site plan approval along with various "C" variances and a use variance. The property is located in the O-PB Zone. Dr. Nahza want to demolish the existing building and construct a two story medical office with site improvements. The Attorney is Charles Gemmel of Gemmel, Todd & Merenich of Linwood, Robert Bruce is the Engineer, and Stephen Fenwick AIA, also of Linwood, is the Architect.

The applicants are seeking a "D" use variance to allow a medical use in the portion of the property zoned for residential use, a "C" variance for side yard setback of 10.5 ft. rather than the required 15 ft., a height variance for a height of 30 feet as opposed to the required 25 ft., a

variance for the number of parking spaces, a variance for a free-standing sign, and a variance for the setback to a residential district.

Dr. Nahza and the professionals were sworn in by Chairman Levitt. Mr. Gemmel began by stating that Dr. Nahza was before the Board with a similar application in the past and was approved. The building constructed from that application at 411 New Road is attractive and works well within the City. He has owned the property at 801 New Road for 3 years. He continued by stating that an affidavit of service is on file with the Secretary and notice of the rescheduled meeting was given at the 1st meeting date on September 7, 2006. Chairman Levitt noted that the elected officials, Mayor Perri and Councilman Schlachter cannot vote on the height and floor area coverage variances as well as the use variance for the residential zone, but they may vote on the site plan.

The applicant wants to construct a Chemotherapy and Radiation Treatment Center including a Pet Scan and Linear Accelerator that will front on 3 streets (Fairbanks Avenue, Jackson Avenue and New Road). There exists 100% impervious coverage at the site. The medical building needs to be bigger than the intensity dictates due to the nature of the medical use. For example, the hallways need to be wider than normal.

Robert Bruce, PE of Somers Point designed the Site Plan. He described the surrounding uses as family residential, the United States Post Office, and other commercial properties along New Road. He stated that there are two zones. Two lots are in the residential zone (R-1) and two are in the commercial zone (O-PB). Mr. Gemmel noted that the entire property has been used for commercial business. Mr. Bruce discussed how the applicant plans to improve the property. Presently there is no landscaping or drainage. They plan to demolish the vacant building, remove the asphalt and construct a facility 8000 sq. ft. on the first floor, primarily for exam rooms and labs and 4000 sq. ft. on the second floor. The chemotherapy and radiation treatments will take place on the 2nd floor. Equipment will occupy 20% of the building space. They will establish two way drives from both New Road and Jackson Avenues onto the site, and a one-way exit onto Fairbanks Avenue. They plan to have a 'green' perimeter around the site with the addition of trees, grass and shrubs. There are existing trees at the rear and they plan to supplement them. They will be decreasing the impervious coverage 26% to 74% in total. They will not need a storm water system, but plan to install a pipe and stone trench in the rear. The grading will remain the same pattern existing toward New Road and they will be reducing the amount of runoff by adding the greenery. They are not in a flood zone and are not required to improve drainage due to the decrease in impervious coverage, but they are still willing to provide improvement. Mr. Bruce commented that they are willing to depress the curbs to keep water on the site along certain areas on Route 9. The lighting will be in accordance with the ordinance and will contain back shielding so as not to affect the neighbors. Dr. Levitt asked about lights from windows. Mr. Bruce said there will not be any. The area containing the linear accelerator will be windowless, they will be installing a 6 ft. high fence, part of the building is one story, and there will be no site lighting to the rear. There will be curbs and sidewalks along the perimeter and also Rt. 9 according to DOT. Dr. Levitt asked Mr. Doran if he thinks DOT will take the right of way to widen the street which may affect the parking in the front. Mr. Doran feels that a lot of work is being done at the Tilton Road intersection and if they haven't taken right of way at this point, they probably won't. But that is not known for sure at this time. Mr. Bruce commented that there is 10 ft. of space between the curb line and the parking spaces. Circulation of the site was discussed. Mr. Bruce said that there will be access from the Rt. 9 driveway, the parking field will be in front of the building, there will be bollards between the parking spaces and the building for safety, there will be 6 handicapped spaces, a one way exit on Fairbanks Avenue as well as a two way drive to Jackson Avenue. There is also additional parking at the rear near the Jackson Avenue driveway. They plan to add exit signage.

Mr. Gemmel addressed the variance needed for the lack of 15 ft. landscape buffer in the rear. The buffer is smallest at Jackson Avenue. The entire rear will be bordered with a 6 ft. fence, 3 feet at the ends and they will add evergreens and plantings along the fence. A discussion about frontage took place. It was determined that the lot has 3 fronts and 1 side. The free standing sign variance was discussed. A free standing sign is not permitted in the OPB zone. A building mounted sign is allowed. They plan to have two building mounted signs-one 26 sq. ft. and the other 10 sq. ft. They want to add a modest free standing sign which would be permitted in the OP zone. It would be 32 sq. ft., 15 ft. high and set back 15 ft., all of which would conform if the property was in the other commercial zone.

The parking variance was discussed. Mr. Bruce stated that they have 46 parking spaces on site. The medical facility will not be a traditional Doctor's office with many patients coming and going and waiting to see the Doctor. There will be 10 exam rooms and 12 chemo stations. There will be 13 employees at the maximum. The second floor will only have one nurse and a secretary. Patient visits will last 15 minutes to one hour. Dr. Nahza certified that employees will park off site if the lot becomes full. He has another site available down the street on New Road. The Zoning Officer will monitor this situation. If overflow parking becomes a problem, the applicant will have to come back before the board to explain how the problem will be corrected.

The use variance due to the property being located in two zones was discussed. Mr. Gemmel noted that this is common along New Road. The applicants are requesting several waivers. One is for the driveways. The driveway at Jackson Avenue is 25 ft. where 39 ft. is required. If they enlarged the drive, the buffer would be eliminated and the parking spaces in that area would be affected. The Fairbanks Avenue driveway is only 18 ft. but it is a one-way exit and is therefore, consistent with the ordinance. The Route 9 drive will be DOT determined and they will abide by any requirements.

Mr. Doran commented that they are not providing a full rear buffer due to the trench. Mr. Bruce stated that they want to meet the standard of 8 trees and there will be landscaping along the fence as well as a single row of evergreens.

Mr. Steven Fenwick, the applicant's Architect, gave his presentation. The building will be constructed of masonry with decorative treatments and hipped roofing. The average height will be 30 ft. to the midpoint of the ridge. The ordinance states a maximum of 25 ft. The higher roof creates an attic for mechanical equipment and air filtration, which is required, and also for aesthetic reasons. There will be no occupancy in the attic or basement. The basement will house mechanical equipment and storage. There is no basement under the linear accelerator. A variance will be needed for floor area ratio. The applicants want an extra 2% to fulfill State requirements for space.

Mr. Fenwick commented that there will be no radiofrequency effects and if any were to occur, they would correct any problems. None are expected since the linear accelerator is designed by profession physicists. Where the parking ratio is concerned, Mr. Fenwick did an analysis based on sq. footage as opposed to usage and found that once sq. footage for mechanicals was deducted, the building is available for uses at 7,235 sq. ft. with 46 parking spaces and this meets the ratio.

Dr. Levitt commented that any approval for use would be limited to Dr. Nahza's current practice. No other medical use will be permitted unless the applicant reapplies before the Board.

Mr. Gemmel stressed that the benefits of this project far outweigh any detriments of the variances and a newly designed building with landscaping would be a big improvement over the

present vacant building. Mr. Doran commented that a more pleasing visual environment meets criteria for special reasons. Dr. Nahza stated that there are advantages to having a facility with chemotherapy and radiation treatment in one place.

Mr. Gemmel commented on the corner property at 819 New Road owned by Mr. Zubin and Mr. Peterson and is currently on the market for sale. It is a 2400 to 2500 sq. ft. building. Access to parking is the Jackson Avenue driveway. The previous lease has expired and is currently on a month-to-month basis. Mr. Zubin wants to formalize a permanent easement which will be documented and recorded that would allow permanent access to the 7 parking spaces along the building. This would protect the owners when the building is sold.

At 9:00 p.m., Dr. Levitt opened the public session. The first resident who wished to speak was Owen Darling who resides at 508 Fairbanks Avenue, Block 48, Lot 11. His home is behind the rear fence. He feels the variances are against the residents and doesn't agree with the buffer zone. He also doesn't want a high building. He asked if there were any traffic or impact studies done. He also is concerned with noise from the mechanicals. Mr. Bruce commented that no such studies were done and Mr. Fenwick told Mr. Darling that the walls surrounding the mechanicals will be 3 ft. concrete. Mr. Darling commented that his bedroom will be 25 ft. away and thinks there will be traffic increases from cut-throughs avoiding the light at Jackson Avenue. Mr. Fenwick commented that this project would create less bulk than a single family home. Mr. Darling has concerns about the employees parking on the street. Dr. Levitt commented that this has been addressed. Mr. Darling stated that parking and traffic are the biggest issues in this section of town. He thinks this project will add to the traffic problems. He wants the size of the building to be smaller.

Next to speak was Dori Lord of 505 Fairbanks Avenue, Block 49, Lot 6. Her home is across the street. She doesn't want to look at a huge brick wall. She has concerns about the linear accelerator emissions and with medical waste. Dr. Nahza stated that the walls are required to be thick enough so that nothing would be emitted. He again stressed that the machinery has been designed by physicists. He also stated that it is illegal to dispose of any medical wastes without going through the proper procedures. Dr. Levitt commented that the medical waste system in NJ works very well. Ms. Lord said that she believes there will be many waiting room patients and doesn't think there will be enough parking. She said accidents occur in this area and will only get worse. She is afraid that the size of the building will affect fresh air flow to her home. She stated that the average house in this area is only 1500 sq. ft. and the medical building doesn't fit in with the neighborhood. Mr. Bruce stated that the building will be one story on her side and will be enhanced with landscaping. Dr. Levitt added that there will be 2 shade trees on her side and the parking will be monitored by the Zoning Official of the City.

The next resident to speak was Theresa McCabe of 503 Fairbanks Avenue, Block 49, Lot 7. Her main concern is traffic. She has a handicapped child and fears for her safety. Dr. Levitt commented that any new development that occurs at the property will increase traffic due to use. The building and lot are currently vacant. Mrs. McCabe would like to see the Fairbanks Avenue driveway closed off. Mr. Nuzzolo stated that this would need Fire Department review and approval. Mr. Bruce suggested that the exit be made a right turn only exit. Dr. Levitt added that this would be only 25 ft. from the intersection at New Road and would help with speeding issues. Mr. Gemmel said the applicant will agree to this. Mr. Schlachter asked about speed bumps throughout the site. The applicants said they can add speed bumps in the parking lot. Dr. Nahza was asked by Dr. Levitt what the hours of operation are. The Doctor stated that they would be 8:00 a.m. to 5:30 p.m. He also commented to the residents that he wants to be a good neighbor.

T. William Zubin who co-owns the building on the corner lot spoke next. He thinks the community will benefit from this project and he supports Dr. Nahza's work and reputation. He

expressed concerns with the lease arrangement allowing him to rent 7 extra parking spaces for overflow clients. He needs an easement for access to his own 7 spaces alongside his building. His property is for sale and he needs to secure both ingress and egress for the Jackson Avenue driveway use. He has no problem with the impact on the current business from the new proposal. He doesn't feel the current business needs the extra 7 parking spaces that are leased.

Mr. Gemmel said his client is willing to provide the easement for compensation. Mr. Zubin commented that the evaluation would have to be fair. Mr. Gemmel agreed and said that if an agreement couldn't be made, a neutral appraisal would be necessary. Mr. Zubin stated that the easement would have to be recorded and would run with the land. Mr. Subranni agreed that there should be an easement with compensation and that a 3rd party appraisal will be used if the parties cannot agree to terms.

Dr. Levitt addressed the applicant and Mr. Gemmel to alert them to the fact that the Board has only minimal voting members present (5) since Mayor Perri and Councilman Schlachter cannot vote on certain variances because they are elected officials. A 3-minute recess was called to discuss holding the vote.

The meeting reopened at 10:02 p.m. Mr. Gemmel stated that they would like to hold the vote until the next meeting in the hopes that a full complement of the Board will be available to vote on the use variance. Dr. Levitt said that all absent members would have to listen to the full tape of this meeting in order to be eligible to vote on the application and he cannot guarantee that all the members would be able to do that. Mr. Gemmel decided to allow the vote to occur at this meeting. He summarized the application as presented. He stressed that this is a good project for the City with significant improvements over current conditions. Traffic increases will be insignificant based on existing traffic conditions. The access to a traffic light on Jackson Avenue is a plus for those who wish to access New Road at a light and the one-way right turn only onto Fairbanks Avenue eliminates extra traffic in the residential neighborhood. The variances are needed to construct this state of the art facility for cancer patients and is similar to other projects along this section of New Road. This is important for the City as is the removal of the current structure. The benefits far outweigh the existing conditions and the project is very important to Dr. Nahza.

Dr. Levitt asked the Board if they had any further questions. Mr. DaPrato asked about daily hours and was told that the facility would be open Monday to Friday. Dr. Levitt thanked the neighbors and appreciated their concerns. He also complimented Dr. Nahza's determination to build a minimally impacted and quality facility and believes the current situation at the site is not good for the City.

Mr. Doran stated that the applicants covered all of the items in his report and the Engineer's report is part of this file inclusive. Dr. Levitt commented that the Engineer's letter will be incorporated into the conditions of approval.

The "D" variance was summarized as being for a facility for cancer treatment only in the R-1 zone (the rear half portion of the property), for floor area ratio of .27 instead of .25, and for height of 30 ft. as opposed to the required 25 ft. Mr. Nuzzolo, Mr. Milone, Mr. Daprato, Mr. Notaro and Chairman Levitt all voted in favor.

Dr. Levitt summarized the conditions and waivers for the "C" variances. There will be a stone trench at the rear of the property for water collection, the curbs will be depressed in front, the parking variance will be for 46 parking spaces and there will be an easement for Block 48, Lot 7 for access from Jackson Avenue. Waivers include the free standing sign, the side yard setback for 10.5 ft. as opposed to 15 ft., a 4 ft. buffer as opposed to 15 ft., the distance of driveway to

corner at 40 ft. instead of 100 ft., the parking will be monitored by the Zoning Official, a 25 ft. driveway aisle waiver for Fairbanks Avenue, the Fairbanks exit will be one-way right turn only, no loading zone will be necessary, the basement and attic are for storage and mechanicals only and a waiver for parking within 50 ft. of a residential area. The motion was made by Jerry Nuzzolo and seconded by Lou Milone. Mayor Perri, Mr. Schlachter, Mr. Nuzzolo, Mr. Milone, Mr. DaPrato, Mr. Notaro and Chairman Levitt all voted in favor.

The meeting closed at 10:22 p.m. with a motion from Mayor Perri and a second from Guy Schlachter.

Respectfully submitted,

Robin Atlas-Clinton, Secretary to the Board