

**City of Northfield**  
**Planning & Zoning Board**  
1600 Shore Road  
Northfield, New Jersey 08225  
(609) 641-2832 Ext. 127 or 157  
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Minutes: September 20, 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, September 20, 2007 in Council Chambers, City Hall, Northfield, was opened by Chairman Richard Levitt at 7:30 p.m. and the following members were present:

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

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

There were two applications scheduled this evening. The first application was submitted under the name of Dominick Contractors, Inc. Guido Palmieri is the co-owner of the contracting business and is the proposed builder of the addition. The owner of the property is Chem Poon who is present and accompanied by his son Jack Poon, a seventh grader at the Northfield Community School, who will interpret if necessary. All were sworn in by Dr. Levitt. The property is located at 16 Locust Drive, Block 93, Lot 3 and the application is for a "C" variance request to add two bedrooms and a bathroom to the existing single family home in the R-2 Zone.

Dr. Levitt expressed concerns that the application was incomplete. The plans, which include a survey prepared by Paul Koelling & Associates in 2005 and drawings done by the builder showing building views and floor plans, do not show setback lines, % of lot coverage, and heights. He asked Mr. Doran if enough information was given to complete his report and he said he was able to do the measurements to scale. Mr. Doran then referred to the Land Use ordinance, Section 6.7 which refers to variances. He said the checklist is not thorough as it is with site plans, subdivisions, etc. Dr. Levitt asked for a voice vote to determine whether or not the application would be heard. The Board answered with 5 "Yea" votes and 3 "Nay" votes. The hearing proceeded.

Mr. Poon addressed the Board and stated his family doesn't have enough room. He wants to add two bedrooms and a bathroom so that each of his sons can have their own bedroom.

Mr. Doran read his Engineer's Report. The items that do not conform include Lot area where 7,500 sq. ft. is required and they have 6,000 sq. ft. and Lot width where 70 ft. is required and 60 ft. is proposed. Two non-conforming setbacks are existing. The required front setback is 25 ft. there is 18.9 ft. existing and 20 ft. is proposed. There is a required side setback of 10 ft. where 8.4 is existing and another side setback where the requirement is 15 ft. and 8 ft. is proposed.

Dr. Levitt asked if the Fire Department had any objections. They had none. He then asked if notice and advertising was properly completed and it was. Dr. Levitt asked if the advertising notice was adequate. Mr. Subranni commented that if the applicant was seeking a "D" variance, it would be defective, but it is adequate for a "C" variance request.

Parking stalls were addressed. Mr. Doran said two stalls are necessary. Mr. Poon said he has a driveway with one stall. Mr. Palmieri added that there would be room for two stalls if part of the front yard was used. Mr. Poon said he would be willing to add a parking stall on the property.

Dr. Levitt said the applicant will need to revise the plans to show the additional parking stall and this will need to be given to Mr. Doran for his approval. Mr. Doran noted that they will need a Road Opening Permit from the City for the driveway.

Dr. Levitt asked the applicant if he would consider building straight up and Mr. O' Grady asked if he would consider building straight back which would allow for the additional parking space. Dr. Levitt added that the backyard is 50 ft. deep. Mr. Palmieri said there is an existing carport and they want to use that area plus an additional area toward the back to construct the addition. They are not going any further into the setback than the existing carport. Mr. Doran stated that curbs and sidewalks exist. Mr. Poon stated that there is one tree in front and he is not proposing to remove any trees. He only has one car and there is room to park in front of the addition.

Mr. Schlachter asked for clarification of the side yard setback. Mr. Doran said it essentially is an enclosed patio consisting of a block wall, light wood structure with plastic 4 ml paper stapled to the wood. The line they are building the 12 ft. addition to is equal to the line of the "patio-carport". 20 ft. is existing to the house and there is 8 ft. from the property line to the patio.

There was no one from the public who wished to be heard.

Dr. Levitt asked for negative and positive criteria and for Mr. Poon to show testimony to justify that the variance will not cause harm. He said the neighboring house is 20 to 30 ft. away. He also wants to keep as much open space in the backyard for his children to play.

Mayor Perri made the motion which included: a variance for a side yard setback (8 ft.) and a front yard setback (18.9 existing, 20 proposed) for the addition, the applicant must submit new plans to Mr. Doran for approval including dimensions of the proposed addition, distances of the proposed addition to all property lines, Mr. Doran's Engineer's report in its entirety, the additional parking stall will need to be shown, other pre-existing variances, and the project will be a single family project. No rentals will be allowed. Mr. Schlachter asked about trees. Mr. Palmieri said the existing tree is on the opposite side of the house and Dr. Levitt commented that to add a tree to the parking side would create a site triangle issue. There is no room for additional parking and a new tree. Waiving a second tree was added to the motion. Mayor Perri agreed to this and stated that the application is in the name of the homeowner and is not a corporation. It is an individual application. Dr. Levitt added that a revised application showing this is to be given to Mr. Doran. Mr. Milone seconded the motion.

Discussion ensued concerning the driveway. Mr. O'Grady had concerns that the second parking stall would not fit. Mr. Doran said that a 25 ft. drive apron is allowed and with the current drive and additional footage added to each side, there would be plenty of room for side by side parking. Mr. Roegiers asked if approval was conditional upon Mr. Doran's approval of the new plans. Dr. Levitt said that what is voted on tonight is the approval. But new plans need to be approved by Mr. Doran showing exactly what the applicant is going to construct as well as giving the Building Department plans that will allow them to understand the project so that building permits may be issued.

A roll call vote was all in favor from the Board members present except for Dr. Levitt who voted no due to the incompleteness of the application.

The second application is a returning applicant who was previously approved for a Preliminary and Final Site Plan Approval for a two-story medical building for cancer patients. The applicant, Dr. Naim Nahza, was re-introduced by his attorney, Charles Gemmel of Gemmel, Todd & Merenich of Linwood, NJ. The corporation names are 801 & 819 New Road, LLC located at 801 New Road and 819 New Road, Block 48, Lots 6,8,9 & 10 and Block 48, Lot 7. They are before the Board to seek approval to amend their Site Plan and to amend the "D" variance approval for the basement use (floor area ratio). They will also need a "C" variance for parking.

Mr. Gemmel began by explaining that Dr. Nahza has purchased the property on the corner of Jackson Avenue and New Road which contains an office building most recently leased by Mr. Zubin for a Law Office. They want to demolish this somewhat dated building and incorporate Lot 7 on which the building stands into the current project. The lot is undersized with much non-conformity, which will be eliminated with the demolition of the building. They want to add 16 parking spaces at this site. Originally the approval for the basement use was for storage and mechanicals only. The building proposed to be demolished is approximately 2,400 sq. ft. and they want to use about 2,700 sq. ft. in the basement for medical imaging use.

Dr. Levitt swore in the professionals including Dr. Nahza, Robert Bruce, the Engineer from Somers Point and Steve Fenwick, the Architect from Linwood. The Builder, Mr. Balicerski, was also present, but was not sworn in or needed for testimony. Mr. Bruce described the site. The medical building is currently under construction. The ingress and egress access points will not change. He described some of the non-conformities, namely the undersized lot and the floor area ratio at .39%. Mr. Gemmel added that demolition of the building will create more open space. Mr. Curtain said the parking ratio for the original application was one space per 213 ft. and the basement was not included. With the inclusion of the basement, the ratio is one space per 203 ft. which is closer to the ordinance requirement. The floor area ratio variance being sought is below ground in the basement. The ratio proposed is .293% and is an increase from .27% with a difference of .023%. This is the "D" variance. Mr. Gemmel commented that the benefits from eliminating the non-conformities outweigh the floor area ratio change.

Mr. Doran described the concept of floor area ratio to the Board which controls the use of the site. Building coverage is the percentage of coverage of the building on the ground. Floor area ratio is all of the floors totaled up with regards to the ground. For example, a two-story building will double the floor area ratio of a one story building. Mr. Doran commented that .25% is a little low, but .25 to .3 for this type of use is allowable. Floor area ratio controls not only coverage, but the intensity of use.

Mr. Steve Fenwick gave testimony next. His firm designed the building. He described the basement and said the space will include an MRI and a Fluoroscope and possibly other imaging equipment. The MRI is a large machine and will contain only one person at a time. The

Fluoroscope is a little smaller. There will also be a nursing area and area for medical staff, backup space required for a state licensed facility and a waiting area for patients. Mr. Gemmel asked if the additional parking will be adequate for the addition. Mr. Fenwick said that he felt it would be adequate. The staff needed would be 6 individuals; there would be 1 patient per imaging equipment and possibly 2 waiting patients with 2 people accompanying the patients. Mr. Gemmel asked Mr. Fenwick how basement activity would affect upstairs operation. He answered there will be some overlapping since some patients will be coming in for cancer care and medical imaging in the same visit. Dr. Levitt asked if Dr. Nahza would be funding and running the operation or would another medical imaging entity be coming in. Dr. Nahza said he could not afford to put in the equipment himself at this time. Dr. Levitt expressed concerns that another entity coming in with their own staff would affect parking and that the parking formula is different for medical offices and law offices. Mr. Fenwick commented that the occupancy for this type of medical office would be lighter than other types of doctors. Dr. Nahza added that MRI appointments are scheduled 1 per ½ hour. Dr. Levitt stressed that the operations would be restricted to a cancer and imaging center only and that any other medical use would have to come back before the Board. Mr. Gemmel asked that the basement use be allowed to be operated by another entity. Dr. Levitt said the Board could amend the previous use to include imaging but not other uses. Mr. Gemmel said that dollars are controlling who will be in charge and his client wants the option to be open to rent to another entity. Dr. Nahza agreed the use would be for imaging only. Mr. Gemmel said they have presented their testimony.

Dr. Levitt asked if there were any changes to landscaping. Mr. Doran said they want to extend the landscaping and add one light. The plans are consistent with the previous plans and they are only extending the plans to include this portion (the corner lot area). Mr. Doran also added that they will need to add curbs and sidewalks to the corner. Dr. Levitt noted that this plan is a better plan than the previous one since they will be eliminating an orphan building and they don't want to have a problem in the future with overuse if the building were to be leased. Dr. Levitt asked if anyone from the public wished to be heard. Seeing no one, he closed the public session.

Mr. Fenwick added that they will be increasing light and air. Dr. Levitt agreed it is a better visual plan. Mr. Gemmel said the total square footage of the 3-story building will be 12,555 sq. ft. Mr. O'Grady had a question about the site plan. He asked what the large rectangles are on the plan. Mr. Fenwick said there is no basement in those areas. They are simply images of the building above including foundations and there are areas for the linear accelerators above the basement.

Mr. O'Grady made the motion for the "D" Variance for Floor Area Ratio. Mr. Doran clarified the variance. The allowable is .25%, they were previously approved for .27%, and this application is asking for .029% Floor Area Ratio. The public officials cannot vote on this portion of the vote. A roll call vote of the remaining eligible Board members was approved unanimously.

Before the second portion of the vote, Mayor Perri asked the applicant about any affects on drainage. Mr. Bruce stated that they will not be increasing impervious coverage and that the corner will not flood. They are actually decreasing runoff at the site.

Mr. Bruckler made the motion for the "C" variance for parking. Mr. Doran clarified the numbers. They are required to have 84 parking spaces and they are proposing 62 spaces the testimony being they are reducing the disparity from the last approval. Dr. Levitt added that site plan approval (preliminary and final) should be added to this motion as well as the condition that no other medical use will exist other than a cancer and imaging center unless the applicant comes back before the Board, Mr. Doran's letter will be included in its entirety and curbs and sidewalks will be added to Jackson Avenue and New Road. A roll call vote of all the members present was unanimous for approval.

There were two resolutions to memorialize this evening. The first is for Palombo's. Mr. Subranni made corrections to both the cover page and the resolution after concerns were made by Mayor Perri about some of the wording. The Secretary read the changes and called for a voice vote of eligible members. Mr. Bruckler, Mr. Milone, Mr. O'Grady, Mr. Martinez and Chairman Levitt abstained. All other members present voted in favor. The second resolution was for T-Mobile Northeast, LLC. Mr. Bruckler and Mr. Roegiers abstained. All other members present voted in favor by voice vote. Mr. Subranni said there are conditions of approval associated with this application and the applicant will be coming back before the Board on October 18<sup>th</sup> with a site plan. The variance approval is contingent on the applicant getting site plan approval. Mayor Perri commented that he asked Council why the City Hall site was not viable for a cell tower and he was told that City Hall is in a residential neighborhood and they felt the ordinance wanted to remove cell towers from residential neighborhoods and have them located in commercial zones. The Mayor still feels that since the site is governmental that it is still a viable site.

Dr. Levitt told the Board that he had a meeting with Mr. Scharff and Mr. Doran regarding the Master Plan. He feels goals have been met and mentioned the bike path and the new school. He also discussed new goals. He asked that the Mayor make Council aware that COHA (Council on Affordable Housing) compliance is recommended by the committee and also standards for the Country Club district are necessary. The committee wants to structure the ordinance to preserve the open space of the golf course to the degree possible. He said the City is at great risk and exposure from developers coming in and building condos with a view in that area. Mr. O'Grady asked if alternative energy sources would be included in the master plan. Dr. Levitt answered yes. Mr. Doran said the goal of the master plan is to review the ordinances and encourage alternate energy sources such as wind, solar and geo thermals. Dr. Levitt said they will look at what other municipalities have done for comparison. He also said the committee is looking at ways to eliminate using the city streets for storage. Dr. Levitt asked for a time frame for the Master Plan. Mr. Doran said before the end of the year. Dr. Levitt said he would like to start work on the ordinance at the start of the year.

Dr. Levitt stated that requirements for "C" variance applications, those usually sought by residents who don't have professional representation, need to be tightened up. Mr. Doran read the "checklist" of requirements for variance (C) applications as it exists now. The applicant must submit a plan drawn to scale, showing the location and dimensions of the property, any structures including buildings, pools, fences and parking areas and any proposed changes. Dr. Levitt asked Mr. Doran to make a note for when the ordinance is re-written, to include elevations of the proposed addition and to show what the changes will look like as well as all adjacent properties. Mr. Doran offered to make a checklist to follow when accepting applications to determine if they are complete. Dr. Levitt suggested adding to the application: "the applicant must give a presentation showing how their project furthers the purpose of the Land Use Ordinance and also how the project will not cause any substantial harm".

Dr. Levitt asked for a motion to adjourn the meeting at 9:01 p.m. Mr. O'Grady made the motion and Mr. Bruckler seconded.

Respectfully submitted,

Robin Atlas, Secretary to the Board