

City of Northfield Planning & Zoning Board
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Minutes: May 21, 2009

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 had 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, May 21, 2009 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 Vincent Mazzeo
Jimmy Martinez, Councilman
Chief Robert James
Lou Milone
John Clifford-absent
Ron Roegiers
Henry Notaro
Jim Shippen-absent
Linda Dyrek

Norman Zlotnick, Solicitor-absent; Jacqueline Hawkins Stiles substituted for Mr. Zlotnick
Matt Doran, PE-Engineer

There was one application on the agenda this evening for TSMA, LLC. The property is located at 811 Debora Street (corner of Debora Street and Tilton Road), Block 59, Lots 2.01, 3 & 4, in the C-B Zone, formerly Washington Mutual Mortgage. The attorney for the applicants was Richard S. Mairone of Perskie Mairone Brog & Baylinson of Linwood. Chairman Levitt swore in Dr. Stephen Saul and Jon Barnhart, the project's engineer.

Mr. Mairone explained that TSMA, LLC has a continent lease with the Kiejdan Family, owners of the building. The Washington Mutual building is now vacant, and the applicants want to operate a full service 20th century day spa. He described the types of services as a full service hair salon and spa treatments including massages and facials and also physician-assisted spa services, including Botox injections, cellulite reductions and laser hair removal. Dr. Ben Epstein will come in one day per week to do the medical procedures. Mr. Mairone described the salon as a red door high-end type of salon where customers will come in for 3 to 4 hours or half a day. The stays will be much longer than common types of salons.

Mr. Mairone described the relief requested. They are requesting a multiple use "D" variance. Previously there was a no medical condition and they are requesting relief from this condition of prior approval. He does not believe the proposed salon meets the condition of a medical building since the use will be a one day a week medical use. They are also asking for a flexible C2 variance for parking and a site plan waiver. They are not making any changes to the exterior of

the building they are only making interior modifications. They are not proposing any parking lot or landscaping changes.

Dr. Stephen Saul addressed the Board and said he is the sole member of TSMA, LLC and has a conditional lease for a salon and day spa at the site. He described his business plan. He feels the area does not have this type of spa and described it as Borgata-esque. Many services will be able to be done at this one location and will be comparatively priced. Tilton Road was chosen for its exposure and he likes the design of the building. He is excited about having his business at this location and feels he will provide a luxurious experience for customers. He recently returned from Tampa, Florida where Dr. Saul and his lead stylist attended a five-day workshop with Summit for spa accreditation. He learned about internal networking and felt it was an enlightening experience. Chairman Levitt asked if his business was a franchise and Dr. Saul said no.

Dr. Saul referred to Exhibit-A which is a floor plan showing sixteen workable units in the building. They worked with many drafts and revisions and feel this business plan meets ordinance requirements. He explained there will be one room for cosmetic services and this will be the only room with windows. The physician will be an independent contractor working one day a week by appointment only. Dr. Saul thinks this will be an 8 to 10 hr. period at the beginning with a patient return time of every few months. Dr. Saul said he was a Podiatrist by trade originally but does not see private patients anymore.

Dr. Saul referred to the Summit workshop he attended and said they surveyed different spas and found them to be 41% occupied at any one time on the average. The hours of operation will be 9:00 a.m. to 9:00 p.m., six days per week. The 6th day will fluctuate by season. In the summer, Sunday will be the 6th day, in the winter they will close on Monday. The salon will not be a high volume business with people waiting and the employees will be giving one to one personal attention to clients.

Chairman Levitt asked about the nature of Dr. Epstein's work. Dr. Epstein will be doing assisted physician spa services such as Botox injections, cellulite reductions, and other laser procedures. There will be no invasive procedures and no plastic surgery performed. Dr. Levitt said the medical use will have to be limited. Dr. Saul mentioned that Dr. Epstein is an orthopedic doctor and won't be seeing any of his patients at the spa and that there will be a contractual agreement to limit the medical use. Dr. Epstein will be seeing the spa's clients at the salon not his own patients.

Dr. Levitt said the resolution will need to limit the types of procedures described (Botox treatments, Cellulite reductions, laser hair removal) and include wording that allows similar non-invasive procedures. Dr. Saul agreed since there will always be new procedures, but he added that his salon is not intended to be a surgery center and employees will not be wearing white coats or carrying stethoscopes, but the customers just happen to be getting prescription type medicine. Chairman Levitt said his concern is that with increased medical use, nurses, anesthesiologists and the like will increase the number of employees which will affect parking and the larger staff will become an issue. He added that the use permitted goes with the site for the future and needs to be restricted. Mrs. Dyrek asked where the employees would park and how many would be on site at a time. Dr. Saul said possibly 6 to 8 employees at a time and he expects Saturday to be the busiest day. Mrs. Dyrek asked about retail space. Dr. Saul said he will have shelving to display products for sale that are used at the salon, but the salon will not be a retail establishment. Mrs. Dyrek asked about Dr. Epstein's training. Dr. Saul said he is certified and his office is located at Atlantic Pro Orthopedics which used to be the site of Sir Speedy and he said the doctor will not be seeing the same clients at the salon. Chairman Levitt said he would not want to put in the resolution to limit medical use to one day per week. Mr. Mairone added that there is only one room designated for medical use. Dr. Levitt said it will be easier to limit the

use to one physician at a time and limit to non-invasive procedures with one room deemed medical use. Dr. Saul added that for the rest of the week, that room will be used for other types of spa services.

Jon Barnhart was introduced as a licensed engineer and planner and his qualifications were accepted as he has been before the Board in that capacity many times. Mr. Barnhart analyzed the site and described the property. The building was obstructed a few years ago and was the site of Washington Mutual. The building has an aesthetic roof line with fake gables and dormers which make it appear to be a one and one half story building when actually it is a one story structure. It is a beautifully constructed building about 3,330 to 3,350 sf with 20 parking spaces. The warm and inviting building is ideal for the use and is in a great location. Access to the parking is from the side street and is adjacent to Arby's Restaurant and is across from the Kiedjan Family architect building. Mr. Barnhart said they are proposing no exterior changes except modification of the text of the sign. The interior will be modified and renovated. Dr. Levitt asked if there was a freestanding sign and Mr. Barnhart answered yes and it is located partially in a stone drainage area, it is clear of the site triangle and meets all requirements.

Mr. Barnhart discussed the use and parking variances. He noted that all the multiple uses proposed would be permitted separately under the ordinance. He said the site is well suited and does not create any negative uses. There are two principle uses proposed on the site-medical and personal services and the uses will work well within the building and general welfare is promoted since these well-suited uses are also permitted within the zoning district on their own. The multiple uses also promote the free flow of traffic since all the services can be done at one site. Mr. Barnhart added that the application is justified since the project will use sufficient space in an appropriate location for a variety of land uses.

Mr. Barnhart addressed negative criteria and said there is not a detriment to the public good since the applicant is not asking for a use that is not permitted. The aesthetically pleasing building has been at the site and will continue to be well maintained. Since there are no exterior changes, the neighbors will not have to deal with a construction period and the neighbors are used to having a commercial building in that area.

Mr. Barnhart next addressed the parking issue and how they determined that the parking available is adequate. He said the data collected proves out and added that if it did not, the business would fail. If parking is not available for their clients, they won't come back. He began by stating that there is not a lot of data available since this is a newer type of business, but they compared it to health spa or health fitness center which requires one space per 167 sf of building. He said they have exactly that (the building is 3,350 sf). Data was used which was compiled by Summit Business Network which is a national and global business that has accredited 2,000 facilities. The average of productive units being occupied at any one time is 41% and they will meet that standard. He feels the national and industry data is more relevant than the ordinance parking ratio. He compared this to Hi-Tech Salon on Tilton Road. If the parking ordinance was applied there, they would need 120 parking spaces and they only have 63. He believes the data proves out for this application and justifies granting the parking variance.

Mayor Mazzeo asked how long the average client will stay at the facility and also how they will be able to generate enough revenue to remain in business. Dr. Saul explained that the 41% of productive units occupied relates to average occupancy at any one time. One the average there will be 6 and ½ clients at any one time according to the data and that they have 16 units. From a business standpoint, rather than three different people coming in for three different services and then leaving, his client will come in for three services and stay longer.

Mr. Doran referred to his Engineer's report. He asked about the signage and if the same faces would be used and whether or not they would be adding anything or changing sizes. Dr. Saul said he would like to add something in the glass area on the second floor, but otherwise they would be using a template of what exists. Mr. Doran reminded that they must comply with the ordinance and take into account total square footage of façade signage. Dr. Levitt asked if the business had a name yet and Dr. Saul said no. Mr. Doran commented that Mr. Barnhart did a good job addressing positive and negative criteria and the Board needs to decide if the testimony was sufficient enough to grant the parking variance.

Chairman Levitt mentioned that there is on-street parking adjacent to the site that extends the length of the building. While he does not encourage this use, he said that area could be used for parking if necessary. He asked if they would agree that no employees would park in front of any residential homes on Debora Street and the applicant agreed. Dr. Levitt added that he understands there can be no control over the customers, but he wants control over employee parking added to the resolution. Mr. Doran added that there are no site changes. Mr. Roegiers said there is a 33% deficit in the parking and asked how many employees will be on site. Dr. Saul said an average of eight. Mr. Roegiers said that would be eight parking spaces for employees, leaving twelve available for customers. Dr. Levitt said that there are two handicapped spots on site. Mr. Doran and Mr. Barnhart discussed that only one handicapped spot per 25 spaces is required. Mr. Doran said the Federal ADA and the City's Ordinance requires one van accessible spot per 25 parking spaces and there currently are two. Dr. Levitt said the two spots do preserve the openness out front, but the resolution will be worded that one handicapped spot will be required and the applicant can work this out with the landlord.

Mr. Mairone summarized by saying he believes they covered everything and he added Mr. Barnhart did an excellent job covering the positive and negative criteria for multiple uses and the parking and he believes they have met the burden. He added that technically they require a site plan waiver since they are a commercial property and there are no changes being made to the exterior site.

Chairman Levitt noted for the record that there is no one present from the public.

The first vote was for the "D" variance for multiple uses on one site. Chairman Levitt asked for a motion for approval of multiple uses under one roof to include a day spa/salon and limited medical aesthetic procedures. Mr. Milone made the motion and Chief James seconded. The Chairman reminded that the elected officials cannot vote for "D" variances.

The roll call vote was as follows:

Mr. Clifford-absent, Mrs. Dyrek-yes, Chief James-yes, Councilman Martinez-no vote, Mayor Mazzeo-no vote, Mr. Milone-yes, Mr. Notaro-yes, Mr. Roegiers-yes, Mr. Scharff-absent, Mr. Shippen-absent, Chairman Levitt-yes. The motion for the "D" variance carries.

The second vote was to address the medical use. Chairman Levitt said the applicant has agreed to language and it is important to the site to be specific in the wording. The medical use will be permitted in conjunction with the day spa/salon including Botox injections, dermal fillers, laser treatments and non-invasive medical procedures strictly ancillary to the use of the day spa. There will be no more than one physician working at the site at any one time and there will be no more than one room available for such medical procedures. The medical use will discontinue if the day spa/salon is discontinued and is ancillary to the day spa. Mr. Roegiers made the motion as stated and Chief James seconded.

The roll call vote was as follows:

Mr. Clifford-absent, Mrs. Dyrek-yes, Chief James-yes, Councilman Martinez-yes, Mayor Mazzeo-yes, Mr. Milone-yes, Mr. Notaro-yes, Mr. Roegiers-yes, Mr. Scharff-absent, Mr. Shippen-absent, Chairman Levitt-yes. The motion for medical use as stated in the motion carries.

The third vote was a combined vote. The vote is for a flexible "C" variance for 20 parking spaces including one handicapped space required and a site plan waiver will be granted. There will be no employee parking on Debora Street in front of any residential homes.

The roll call vote was as follows:

Mr. Clifford-absent, Mrs. Dyrek-yes, Chief James-yes, Councilman Martinez-yes, Mayor Mazzeo-yes, Mr. Milone-yes, Mr. Notaro-yes, Mr. Roegiers-yes, Mr. Scharff-absent, Mr. Shippen-absent, Chairman Levitt-yes. The motion for the "C" variance and site plan waiver carries.

There was one resolution to be memorialized for James P. Maga who was granted approval for a "C" variance to construct and enlarge a covered porch on May 7, 2009. His address is 2513 Herbert Drive, Block 27, Lot 36. Chief James, Mayor Mazzeo, Henry Notaro and Clem Scharff abstained. All others present voted in favor by voice vote.

Chairman Levitt noted that there will be an Ordinance Committee meeting on June 4th at 7:00 p.m. at City Hall and the next Planning/Zoning Board meeting will be July 16th, 2009 at 7:30 p.m.

Chairman Levitt closed the meeting at 8:34 p.m. by motion from Mr. Martinez and a second from Mr. Milone.

Respectfully submitted,

Robin Atlas, Secretary to the Board