

City of Northfield Planning & Zoning Board
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Minutes: January 7, 2010 REORGANIZATION

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 reorganization meeting of the Northfield Planning & Zoning Board, held on Thursday, January 7, 2010 in Council Chambers, City Hall, Northfield, was opened by Dr. Richard Levitt at 6:59 p.m. and the following members were present:

Dr. Richard Levitt-Chairman
Clem Scharff-Vice Chairman
Mayor Vincent Mazzeo
Councilman Jimmy Martinez
Chief Robert James
Lou Milone
John Clifford
Ron Roegiers-absent
Henry Notaro
Jim Shippen
Linda Dyrek

Norman Zlotnick, Solicitor
Matt Doran, PE-Engineer

The City of Northfield Planning Board began its 2010 reorganization with Mayor Mazzeo reading the Oaths of Office for the following members: Dr. Richard Levitt, Lou Milone, Chief Robert James, Henry Notaro (Alternate #1), and James Shippen.

Dr. Levitt opened nominations for Board Secretary. Mr. Milone nominated Robin Atlas. Mr. Shippen seconded. There were no other nominations. All members present voted in favor of the appointment by voice vote. Nominations were opened for Board Solicitor and Mr. Milone nominated Norman Zlotnick, Esq. Mr. Scharff seconded. There were no other applications submitted or nominations. All members present voted in favor of the appointment by voice vote. Mr. Milone nominated Mr. Scharff to continue in the Vice Chairman position and Mr. Shippen seconded. There were no other nominations. All members present voted unanimously in favor by voice vote. Mr. Scharff nominated Dr. Levitt to be re-appointed as Chairman and this was seconded by Mr. Shippen. All members present voted in favor by voice vote.

Chairman Levitt decided at this time to hear the first application on the agenda which was from John and Tanya Elwood who received approval last August for an addition, but have discovered they need to change their plans. Dr. Levitt swore them in. They reside at 512 Roosevelt Avenue, Block 46, Lot 24. Their approval for a "C" Variance for a residential addition was granted August 6, 2009.

Mrs. Elwood explained to the Board that their original plans included the construction of a full basement. When they began to dig, the hole kept caving in and filling back up with sand. They decided instead to have a 4 ft. crawl space and in lieu of building upward, they want to request an additional 12 ft. toward the back of the property. Mr. Elwood said they are sticking with the original plan, but requesting 12 additional ft. They are expecting their third child in March and they need the additional space since they presently only have two bedrooms.

They were originally approved for a 24 ft. addition. The required side yard setback is 10 ft., and they were approved for 3.8 ft. which matches the existing house. They are requesting a 12 ft. expansion on what was previously granted for a 36 ft. addition. Dr. Levitt noted that the applicant's have a deep backyard. Mr. Doran said they will have a 54 ft. rear setback to the property line.

Dr. Levitt asked the Elwood's to comment on positive and negative criteria and benefits and detriments. Mrs. Elwood said there will be no detriments from the project, but there currently is a detriment since they have a huge hole in their backyard. They temporarily repaired the neighbor's fence that was collapsing due to the digging and they plan to complete the fence repair. They feel their plan will work best if they go back rather than upwards and that this will match with the neighbor's on either side of them. Dr. Levitt asked if pilings will be needed and Mr. Elwood said the dirt in their yard is very sandy. Mr. Shippen suggested that the dirt that was put back in the hole is not compacted and there may be settling problems. Dr. Levitt said that screw piles (anchors screwed into the ground) can be very effective, but they are expensive.

Mr. Doran reviewed the variance. The Elwood's are proposing an additional 12 ft. setback where 10 ft. is required and 3.8 ft. is proposed. This is an expansion of a variance previously approved.

Mr. Scharff made the motion for a 3.8 side yard variance where 10 ft. is required and to include an additional 12 ft. going back in the rear yard. Mr. Clifford asked the Elwood's if they properly noticed their neighbors and they said they did. Mrs. Dyrek seconded the motion. It was noted that all noticing was properly completed.

The roll call vote was as follows:

Mr. Clifford-no vote as 2nd alternate-9 voting members present, Mrs. Dyrek-yes, Chief James-yes, Councilman Martinez-yes, Mayor Mazzeo-yes, Mr. Milone-yes, Mr. Notaro-yes, Mr. Roegiers-absent, Mr. Scharff-yes, Mr. Shippen-yes, Chairman Levitt-yes. The motion for the expanded "C" variance for an additional 12 ft. carries.

At this point, the Chairman and the Board went into Executive Session to discuss the Engineer appointment and the applications submitted. The time was 7:14 p.m. The motion was made by Mr. Scharff and seconded by Mr. Shippen. All members voted unanimously in favor.

The Board was back in session at 7:38 p.m. A nomination was made to appoint Matt Doran for Board Engineer for 2010, Mr. Milone seconded the nomination. All members voted to appoint Mr. Doran by voice vote.

The second application of the evening was from Stanley H. Gunnison, Block 125, Lot 12, 921 Shore Road. The applicant is seeking "C" Variances to construct a two-car detached garage on his property. Chairman Levitt swore in both Mr. Gunnison and his wife, Therese. Mr. Gunnison explained that he wants to construct a two-car garage in the rear of his property including a concrete pad and apron to Roosevelt Avenue and submitted a photo simulation of what it will look like including diagrams.

Mr. Gunnison described the setbacks that are needed. He is proposing a side yard alley setback of 7 ft, where 25. ft. is required. He noted the alley is an unpaved, dead-end alley. A size variance is also needed since the structure is proposed to be 672 sf. The maximum requirement is 500 sf for an accessory structure. The height variance was not noted in the permit denial. A 12 ft. maximum height is allowed and Mr. Gunnison is proposing 14.25 ft. Mr. Gunnison said there was once a garage attached to the existing structure, but it was too narrow to get out of a car after it was pulled into the garage and was ineffective. The existing driveway to the pre-existing garage will be removed after the garage is constructed and they will be adding yard fill and grass. The fence will be restructured to accommodate the new development. Access will continue to be off Roosevelt Avenue and they will be creating a new driveway where the current garage structure is located and the side of the garage with the two dormers will face Roosevelt Avenue. Mrs. Gunnison commented that there will be a loft at the top of the garage for storage and it will not contain any plumbing or bathrooms and will not be used as a mother-in-law suite.

Mr. Shippen asked Mr. Doran about the number of frontages since the property is on an alley. Mr. Doran said properties on alleyways have always presented a problem since they are not clearly defined in the ordinance. This will be addressed by the committee re-writing the ordinance and this issue will be better defined. Mr. Shippen clarified that the accessory structure has a 10 ft. setback requirement and the applicant is proposing 7 ft. He asked Mr. Gunnison if he considered moving the structure 3 ft. to comply with the ordinance. Mr. Gunnison said there is a lateral sewer line connecting to Roosevelt Avenue and he did not want the structure to cover the sewer line. Mr. Gunnison said they will be getting rid of the old driveway. Mr. Gunnison added that they will be removing an existing shed since the contents of the shed will be stored in the new garage.

Dr. Levitt commented that curbs and sidewalks are existing and he asked about trees. Mrs. Gunnison said there are several trees around the perimeter of the property. Mr. Doran commented about the height issue. He said that the ordinance requires that height is measured to the mid-ridge. The plan shows 18 ft. to the ridge, but 14.25 ft. is proposed since the measurement is taken from the eave to the ridge and the mid-point is used. Mr. Zlotnick asked if the curb cut produces any issues. Mr. Doran said a permit would be needed to cut the curb for the driveway. It was noted by Dr. Levitt that Roosevelt Avenue has not been paved recently.

Mr. Gunnison was asked by the Chairman to discuss the pros and cons and the advancements of the ordinance considering detriments. Mr. Gunnison was unsure as to exactly what was being asked and Mr. Doran explained that on the negative side, Mr. Gunnison is asking for a side yard setback and since there is an alley there, light, air, and open space is appropriate because of this alley. On the positive side, the ordinance does allow for accessory structures and the Gunnison's have plenty of setback to the other neighbor and in the front setback area. There is enough to meet criteria. With regard to zoning reasons, the sewer lateral is in the way and justifies moving the building. Since something is 'in the way', this necessitates needing the variance.

There was no one from the public present.

Mr. Scharff made the motion to grant the variances, to remove any accessory buildings (the existing shed), to allow electric, but no plumbing or living space. They will also be removing the existing driveway. Mrs. Dyrek seconded the motion.

The roll call vote was as follows:

Mr. Clifford-no vote as 2nd alternate-9 voting members present, Mrs. Dyrek-yes, Chief James-yes, Councilman Martinez-yes, Mayor Mazzeo-yes, Mr. Milone-yes, Mr. Notaro-yes, Mr. Roegiers-absent, Mr. Scharff-yes, Mr. Shippen-yes, Chairman Levitt-yes. The motion for the "C" Variances for side yard footage and height to construct the new garage carries.

There was one resolution to approve the 2010 schedule of regular meetings and for advertisement in The Press. Mr. Scharff made the motion and Mrs. Dyrek seconded. The voice vote was all in favor of the resolution.

There were a few other items to discuss. Dr. Levitt referred to a letter from Mr. Keith Bonchi, the City's Solicitor, concerning City Council's hiring of a contractor to put the City's Ordinances on the internet. The Chairman recommended the Ordinance committee get back to work to complete the revisions of the Land Use Ordinance. This will make it convenient for developers and homeowners to look up regulations on the web without having to come to City Hall. An Ordinance committee meeting was set up for February 25th at 7:00 p.m.

Mayor Mazzeo told the Board he received an email from Lou DiVentura concerning the possibility of pursuing an addition or enclosed porch at the back of Ventura's Restaurant. He asked if the Board would suggest an informal hearing on the matter. Dr. Levitt said the applicant would need to know that informal hearings can be heard, but there are no guarantees of approval and no decisions are made. He said they can be scheduled to come before the Board informally to discuss ideas.

Mr. Shippen asked about the progress of the Hansen case. Mr. Zlotnick said that he has a briefing schedule for the case to be presented in court on April 6th. If peace is made between the parties involved (the Hansen's and his neighbors the Gove's and the Country Club), they will have to come back to the Board with a new presentation. Mr. Zlotnick added that this is an unusual case that has been going on for a long time to determine what will satisfy all the parties.

Chairman Levitt closed the meeting by motion from Mr. Shippen and a second from Mr. Scharff. The meeting closed at 8:10 p.m.

Respectfully submitted,

Robin Atlas, Secretary to the Board