

**City of Northfield Planning Board
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Minutes: January 21, 2010

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 Board, held on Thursday, January 21, 2010 in Council Chambers, City Hall, Northfield, was opened by Dr. Richard Levitt at 7:02 p.m. and the following members were present or absent as noted:

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

Norman Zlotnick, Solicitor
Matt Doran, PE-Engineer

The meeting began with memorialization of the resolutions from the last meeting. The first was for John & Tanya Elwood, Block 46, Lot 24, 512 Roosevelt Avenue for a "C" variance for an additional 12 ft. setback. Mr. Scharff made the motion and Mr. Milone seconded. A voice vote was all in favor of memorialization of the resolution with Mr. Roegiers abstaining. The second was for Stanley Gunnison, Block 46, Lot 24, 921 Shore Road for "C" Variances for side yard footage and height to construct a detached garage. Mr. Scharff made the motion and Mr. Shippen seconded. A voice vote was all in favor of memorialization of the resolution with Mr. Roegiers abstaining.

Chairman Levitt noted that Giro Enterprises, Inc., the applicant this evening, advertised the old meeting time of 7:30 p.m. Dr. Levitt said that the hearing could begin, but should anyone from the public show up at 7:30, the applicant will be required to repeat the testimony. The property is located at 2322 New Road, Block 82, Lot 4.

Charles Gemmel, Esq. of Gemmel, Todd & Merenich, the attorney for the applicant, described the prior site plan approval they secured which allowed John Mirenda to improve the building which previously was a rental business to what is now a new 4000 sf building constructed for office purposes. The site has been significantly improved since 2008. At the time of the previous approval, it was not known what type of tenant would occupy the building; traditional offices, retail or governmental offices. There was a condition of approval which stated that if there was more than a 50% medical occupancy, the applicant needs to come back before the Board to

address parking issues. The proposed tenant is Tender Care Pediatrics, a medical facility, which is currently located in Northfield at the corner of New and Mill Roads. They have lost their lease at that site since the owner of the medical building wants to occupy the entire site for his own medical practice. They want to stay within the community and have entered into a lease agreement with John Mirenda and need to demonstrate to the Board that they have adequate parking.

The parking requirement is one parking space per 150 sf which totals 27 parking spaces. They currently have 23 spaces on site including a handicapped space and are 4 spaces short of meeting the ordinance requirement. The applicant is approaching this shortfall in two ways. They have approached their neighbor Allstate Insurance who has provided them with license to use 5 of their parking spaces although there is no guarantee this agreement will last if the neighbor moves their business. Plan B is to put additional spaces on site. This would include stacked parking. They could create 7 stacked spaces which would total 30 spaces on their property. They would then have more parking than required and would be in compliance.

Cormac Morrissey, P.E., P.P., of Dixon Associates was sworn in to testify. He described the improved site plan across from the previous Owl Tree restaurant, and next to Allstate Insurance and a transmission garage. He stated that the building used to be AC Party Rental and they gutted the old building and constructed the new building. They constructed a new entranceway, curbing, sidewalks, handicapped access, a parking lot, dumpster area and a new 8 ft. high board on board fence which borders the rear neighbor, landscaping, a walkway, and have addressed grading and drainage. The Allstate parking is in excess of what they are required to have so there is parking to spare. The building is approximately 1000 to 1200 sf and at one space per 200 sf for office buildings, they have more than double the amount required at 15 spaces plus other spaces not clearly marked. Mr. Gemmel presented a letter to Mr. Zlotnick from Dan Morris of Allstate containing the license to use five of the spaces at the rear of the building for employee parking and feels it would make more sense for employees to park there. If they used the Allstate site for employee parking, it would allow 28 on site parking spaces for the medical use.

Mr. Gemmel stated that Dr. Mandalapu could not be present this evening since her child had an accident which required her attention and she sent her husband, Srinivas Mandalapu, to testify. Dr. Chang is a partner and is not present tonight. Mr. Morrissey spoke to the office manager and was told they will have two to three doctors in the practice and the peak hours are on Monday. They could possibly have three pediatricians on staff at one time and have a total of 8 office personnel. Mr. Shippen asked if there was a walkway between Allstate and the Mirenda building and Mr. Morrissey said not at this time. They could add a cobblestone type walkway or paving stone if the Allstate site is utilized. The area now contains mulch beds, pine and holly bushes. Mr. Morrissey commented further on his conversation with the office manager and patient numbers. He said they will not be accepting any new patients except new members of existing patient families. The peak capacity is 14 patients at any one hourly period during the busiest of hours. He added that their business is at its peak and they are not looking to expand only to secure a new lease for space for the current practice.

At 7:23 p.m., Seth Brilliant, a neighbor residing at 2329 Merritt Drive, located behind the site, entered the meeting. Dr. Levitt asked for a 5 minute recess and instructed Mr. Gemmel to give Mr. Brilliant a brief summary of what has transpired so far.

The meeting was back in session at 7:32 p.m.

Mr. Mandalapu was sworn in by Chairman Levitt. He stated that there are 2 front desk nurses, 2 billing employees, plus 2 extra employees. Sick patient visits are usually 15 minutes in length and well patient visits require a half hour. The building they are currently in provides 25 parking

spaces for the practice and they are never full and there is no shortage of parking. They currently are located in the Medical One building. Dr. Levitt said that an exact number of patients per hour would be difficult to obtain due to emergencies, etc. He noted that pediatric medical uses are typically higher than other medical uses. His concern is overflow parking winding up on Merritt Drive. Dr. Levitt asked if they would be willing to limit the practice to 3 doctors and Mr. Mandalapu said they would. Mr. Gemmel said the number of treatment rooms has yet not been determined yet. There could be 5 to 7 rooms and they will not exceed 7. He added that the practice sees 60 patients per day on the average with more during flu season. Dr. Levitt commented that planning for the worse possible scenario is important since that is when overflow parking on the streets will occur.

Mr. Morrissey discussed the stacked parking. There are 7 existing spaces now and they could stack 7 behind these spaces toward the rear fence. There is 20 ft. to the back curb and 18 ft. would occupy the stacked parking leaving 2 ft. between the parking and the back fence. They accounted for additional parking when they completed the drainage design and calculations. Mr. Doran referred to his previous report for this site and said it appears they will need a parking variance for parking within 50 ft. of a residential zone and a waiver for stacked parking. As to lot coverage, Mr. Doran said the ordinance allows for 80% and they previously were at 71.1%. Total square footage is 21,176 sf and Mr. Morrissey said they will be adding 1134 sf to that figure which would be an increase of lot coverage to 77% (1134/21,167). Mr. Shippen asked if cars would remain parked all day. Mr. Morrissey said they would and would be a buffer for other cars. Mr. Gemmel said repeat patients will learn to use the stacked parking if needed and Mr. Morrissey said they could add signage saying stacked parking is available. He added that they would have to install a path or pavers if the Allstate site was used. Dr. Levitt said he has concerns about that and Allstate should be used as a back up plan. Mr. Morrissey said they could also circulate a letter to patients about the parking. Dr. Levitt suggested painting a sign in the spaces stating 'patient parking permitted' or a sign saying 'patient parking permitted in front rows'. Mr. Gemmel said they would prefer the Allstate plan as the asphalt is already existing there rather than creating more where it does not exist. They recognize that they can use the stacked parking plan if needed. Dan Morris, Jr. now runs the Allstate business and the company has been there a long time. He feels the parking access will also be available for a long period of time. They would prefer not to use their landscape area if they don't have to. Mr. Roegiers asked about ingress and egress and his concerns about that due to the congested roadway. Mr. Gemmel feels that their patient's 60 trips per day won't be significant. They already exist on New Road a few blocks up. Mrs. Dyrek described her own experiences with visiting pediatric offices and feels the parking is minimal. They will have 17 spaces available for patients at any one time for only 2 to 3 doctors. Mr. Shippen added that the Board could state that if the nature of the medical use changed, they would have to come back before the Board. Mr. Notaro commented that he does not like the idea of losing the landscape buffer. Mr. Milone suggested developing the stacked parking now whether or not they would be using it presently. Dr. Levitt, Mr. Shippen and Mr. Roegiers agreed that there is no viable off street parking in this area. Mayor Mazzeo said the practice already exists on New Road and they have had adequate parking at the current site. He asked how many parking spaces were in front at the current site. Dr. Levitt said there are 25 spaces in front, but it is unknown if spaces were being used in the back. The current site has additional parking available. Mr. Gemmel said his client is conscious of the parking demands of a medical facility and is not opposed to adding parking, but if 25 spaces have been adequate at the current site, they shouldn't need to add asphalt if not necessary.

Dr. Levitt opened the public session. Seth Brilliant of 2329 Merritt Drive was sworn in. He testified he lives behind the 8 ft. fence. He feels the new building is very beautiful and an asset to the city where previously it was an eyesore. Mr. Brilliant said he was concerned with the intensity of use of certain types of businesses and feels a mixed type would be more appropriate for the neighborhood. He expressed confusion as to why a change of use was not required of this

applicant and is concerned about the intensity of a strictly medical use. He likes the fence they installed which before had been falling down. He has concerns that cars will be on the premises day and night and has concerns that the medical use could change and become even more intense. He added that he is not happy with either of the parking plans. He felt that assumptions are being made for the stacked spaces and that people will park in any open space. He is afraid of a big mess occurring with overflow parking on Merritt Drive which is too narrow for any parking. He said that both the Allstate and accountant offices will be affected and he doesn't want to see the buffer eliminated.

Mr. Shippen referred to the previous resolution and read the section about the 50% medical use and said that there must have been the thought of this possibly occurring which is why it was added to the resolution and why we are here tonight. Dr. Levitt added that the reason for the wording is that there are other types of medical offices which could occupy such a building (MRI office, psychiatric office, etc.) which would have less impact by nature than a pediatric office which doesn't qualify as a low impact type of practice. He then asked Mr. Brilliant if he thought two rows of cars would be that much more of an impact than one row, especially with the first row for employee parking coming in the a.m. and staying there for the day. Mr. Brilliant said that is the assumption of what would happen, but may or may not prove to be the case. Mr. Notaro asked Mr. Brilliant if he was experiencing any draining issues and he said he has had no problems. Dr. Levitt said that is a good sign considering all the rain we have had over the past few months. Mr. Morrissey added that the existing drainage will handle the additional load and that there is no runoff at the rear of the property. He certified that the runoff is away from the neighborhood section.

Dr. Levitt said there are three choices here. The Board can reject both plans, approve stacked parking on site, or the offsite parking scheme. Mr. Milone added that the Board could also consider a combination of both plans. Mr. Roegiers asked about the Allstate letter and Mr. Zlotnick answered that it is a revocable license. Mr. Gemmel added that there is no guarantee of the license beyond today and that the stacked parking is a guarantee. He added that the concession for the license would be to provide snow plowing service to the Allstate lot. Dr. Levitt asked for Mr. Brilliant's opinion. Mr. Brilliant said he is glad Mr. Mirenda's office building is his neighbor, but he would prefer a different type of medical practice to occupy the site and he only wanted to offer his opinion to the Board. Dr. Levitt closed the public session as there was no one else present who wished to speak.

Mr. Gemmel had no further testimony and offered a brief summary. He discussed the previous approval and said his client marketed his property for any possible office/professional uses and found a client that may be forced to move her practice out of Northfield. He said that the proposed location is slightly larger than where they are now and they are willing to commit to conditions for number of doctors and employees. Mr. Gemmel said there is only 18 ft. to get to the Allstate parking lot and that this is not a large walk for employees. They would have 23 parking spaces on site and with the additional 5 from Allstate they would be in excess of the ordinance requirement at 28 spaces without creating any more paving. If in the future it becomes apparent that more parking is needed, they can construct the stacked parking on site. He added that it is difficult to cover every situation no matter what the use is and change can occur. Mr. Gemmel believes the fence will serve as a substantial buffer and will allow the pediatric group to stay in the City of Northfield.

Mr. Zlotnick summarized for the Board by saying that what we really have here is an application for an amended site plan for the applicant to increase the number of parking spaces to accommodate a medical use exclusively. A total medical use would require at least 27 parking spaces. The Board needs to review the testimony and if the Board does not allow an increase in

parking, the applicant will need to find a use that fits within the parameters of the previous resolution.

Dr. Levitt said the applicant has done a wonderful job with the site and he referred to the land use ordinance book and encouraged all members to bring their books for reference purposes. He referred to Section 8.26, off street parking, which states that all required parking spaces for a facility should be located on the same lot or parcel which it shall serve. He doesn't like the precedence of walking to a parking lot that is part of the use of another structure. Dr. Levitt added that given all the options, adding parking spaces on site would have the least impact on the surrounding community. He said Mr. Brilliant said he can't see the parking over the fence and doesn't think one or two rows of parking will make that much of a difference.

Mr. Milone clarified that when he commented that both options could be used he meant that since the letter of license exists for approval to park at Allstate, that option could also be utilized. Mr. Scharff said the applicant only needs four spaces to comply with the ordinance and that they could possibly leave more of the buffer. A discussion developed about the number of parking spaces required and approved previously. Mr. Gemmel said the building was originally 3,850 sf but they now know it is 4,000 sf. Mr. Doran said that under construction they were able to re-arrange the parking with no additional paving. The original approval was for 21 spaces, but they were able to construct 23 spaces. The medical use requires 27 spaces. Mr. Shippen said there may be a liability issue walking to another property to park and Chairman Levitt agreed and said he has concerns with the walkway and would like to see the site brought as close to compliance as possible.

Dr. Levitt instructed that there are three vote scenarios. The Board can vote no to the waivers if it is felt the site is not suitable for medical use, a motion can be made to vote on off site parking, or a motion can be made to conform to the ordinance with a vote on stacked parking. Mr. Scharff made a motion for a minimum of 4 and up to 7 additional stacked parking spaces on site to be used primarily by staff with appropriate signage, a limitation on the number of doctors (no more than 3), a waiver for stacked parking and a waiver for the requirement for parking 50 ft. from a residential zone. Mr. Shippen seconded. There was some discussion. Mayor Mazzeo said he prefers 7 stacked spaces due to the size of the lot. Mr. Scharff thought they should leave it up to the applicant. Mr. Shippen suggested they cannot demand more parking than the ordinance requires. Mr. Gemmel suggested leaving it to Mr. Mirenda's discretion whether to construct 4 or 7 spaces. After some discussion, it was decided to agree on 7 spaces. Mr. Morrissey said this would be the less expensive way to construct the spaces. Mr. Zlotnick restated the motion to make sure all understood what they would be voting for. The only change was for the 7 stacked parking spaces.

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-no vote as Alternate #1-nine voting members present, Mr. Roegiers-yes, Mr. Scharff-yes, Mr. Shippen-yes, Chairman Levitt-yes. The motion for the Interpretation and the Amended Preliminary and Final Major Site Plan carries.

Chairman Levitt closed the meeting at 8:48 p.m. by a motion made by Mr. Shippen with a second from Mr. Scharff.

Respectfully submitted,

Robin Atlas, Secretary to the Board

