

**City of Northfield Planning Board  
1600 Shore Road  
Northfield, New Jersey 08225  
Telephone (609) 641-2832, ext. 127  
Fax (609) 646-7175**

**Minutes: April 7, 2011**

**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, April 7, 2011 in Council Chambers, City Hall, Northfield, was opened by Dr. Richard Levitt at 6:59 p.m. and the following members were present or absent as noted:**

**Linda Dyrek-absent  
Chief Robert James-absent  
Denise Kintish  
Dr. Richard Levitt  
Mayor Vincent Mazzeo-absent  
Lou Milone  
Henry Notaro  
Ron Roegiers  
Clem Scharff  
Jim Shippen  
Councilman Steven Vain-absent**

**Matthew Doran, Professional Engineer  
Norman Zlotnick, Solicitor**

**The meeting began with the memorialization of resolutions which were approved at the March 3<sup>rd</sup> meeting. Abstentions were Linda Dyrek and Henry Notaro. The first was for Harry and Lori Kent for a "C" variance to build a front porch. The voice vote was all in favor. The second was for Northfield Liquors, LLC for sign variances. The voice vote was all in favor.**

**Mr. Milone had to leave the meeting at 7:02 p.m.**

**Nick Talvacchia of Cooper Levenson in Atlantic City addressed the Board on behalf of APMP, LLC (Palombo's). Mr. Talvacchia noted that Coastal Design**

concur with what he is about to present. He said Palombo's location, the pet grooming store and Coastal Design are all commercial businesses surrounded by residential properties. It has been zoned residential since 1976, but these properties will never be residential. Coastal Design has spent a lot of money renovating their property and the other two businesses will never be residential considering the closeness to Coastal Design. He noted that these properties are inappropriately zoned. He quoted from MLUL, Section 62, which states that zoning shall be drawn with consideration of the character of the district and its suitability for uses and shall encourage the most appropriate use of the land. Mr. Talvacchia asked the Board to consider re-zoning this area. Every time a different use is considered for Palombo's, they have to come back before the Board to ask for variances. The courts have said that zoning should not be done by variances. Appropriate zoning is done according to the character of the property. They are not asking for a decision tonight, they are asking for consideration. He suggested possibly working with Mr. Doran on this.

Jon Barnhart, a NJ licensed planner, showed the Board a zoning map with the area highlighted in red. He pointed out the commercial uses and said they are not including the Church since they are permitted uses in residential zones. Mr. Talvacchia noted that re-zoning would not be spot zoning which is when zoning is changed in an area that is not good planning. This situation makes sense for a zone change and has a rational planning purpose. Other use variances have been granted here; two for Coastal Design and the other commercial property was grandfathered. Dr. Levitt asked what uses he is considering. Mr. Talvacchia said that office, retail and restaurant would be suitable. Dr. Levitt said the Board may need to look at other mini commercial zones in the city such as the area near the Post Office and also the small commercial zone near the Linwood Border on Shore Road. Possibly a Shore Road commercial zone could be explored, but he noted that the objective of the Master Plan is to maintain the residential character of Shore Road. Mr. Roegiers asked if the dialysis center located at the Coastal Design site is a long term contract. Mr. Talvacchia said he believed it is. He added that re-zoning this area is the right thing for the city and the property owners and will give them some certainty. Pat McGowan who resides at 2005 Shore Road and was present as a member of the public said he agrees something has to be done at that corner. He added that traffic has been an issue and he has concerns about this. A minimal business such as the wine wholesaler without foot traffic might work, but he has concerns with impact. Dr. Levitt said traffic has been the issue and he also has concerns that an overall variance permitting a range of uses will not allow the Board to predict what may occur. A variance application allows the Board to hear specifics. Mr. McGowan agreed that Mr. Palombo should be able to make a living on his commercial property. Dr. Levitt said no one complained about the commercial site until the business model changed to wholesale and parking and traffic became an issue. Discretionary use and control are important.

**Mr. Doran commented that the zones are set up as transitional zones with residential the softest zone, then OP, OPB, NB, CB and RC. Restaurants fall into the CB and RC and if the softer zones were to mix with the heavier commercial use zones, which typically have more traffic, and are next to residential units, there can be problems. Mr. Talvacchia said conditional uses can be created which are basically compatible, but have to be more use sensitive. Conditional uses are something in zoning law that can be taken advantage of in a situation such as this. Dr. Levitt stated that this is an endemic problem of grandfathered uses. Mr. Talvacchia said both House and Garden (Coastal Design) and Palombo's are no longer grandfathered uses. Their uses are by variances. Mr. Doran said it needs to be decided what type of blend zone would work and whether or not the use should be more than the grandfathered use. Mr. Talvacchia said they do not want to be one of the existing zones. Residential is not an appropriate zone for this corner and a hybrid zone would be more fitting. Mr. Doran said he agreed, but added that this is a small piece of property. Dr. Levitt added that the parking being across the street is an issue in itself. Mr. Talvacchia stated that he is here tonight to get the dialog started. Dr. Levitt said that the Board welcomes applications and would expedite them as quickly as possible. Mr. Talvacchia said as a matter of law, that is not what the law mandates and this has been so since 1975 when the Municipal Land Use Law was adopted. There has to be a happy medium and there needs to be fairness to the property owner and they are asking for consideration. Dr. Levitt said the Board will certainly look into this matter.**

**The next item on the agenda was discussion of the proposed changes to the Land Use Ordinance completed by the ordinance sub-committee. Dr. Levitt began by mentioning the future Fire Road and Mill Road project in Egg Harbor Township on the Northfield border which has been re-zoned commercial business. His concern is how this will impact Mill Road traffic. Mr. Doran said Mill Road is a County Road and control is way above the Planning Board.**

**Dr. Levitt read excerpts from the Master Plan concerning objectives related to the proposed zoning changes. Mr. Zlotnick noted that there will be no second reading necessary as the Board will need to simply pass on the proposed changes to City Council for discussions and voting. Mr. Doran said the Board's job is to make sure the changes are in compliance with the Master Plan by super majority. The vote is on the whole package and Council can eliminate whatever sections they want. He said the proposed changes are recommendations to Council according to Master Plan objectives. Dr. Levitt said the Board will skim through the changes, especially the Country Club section for any changes that might be necessary. Mr. Scharff commented that the proposed changes are a fair and well thought out plan.**

**Dr. Levitt noted that the biggest changes in the Country Club section involve lot size square footage and the goal is to preserve the golf course. Lot sizes will be proposed to be one acre size lots for single family homes. The original ordinance was discussed. Originally, the Frasier's (original owners) proposed building certain things such as golf villas and these were written into an ordinance with the stipulation that the golf course remains preserved and that is still the goal.**

**Industrialized SIC codes with individual numbers for each use are proposed to be eliminated and instead descriptive uses will be utilized which will cut down on the number of variances that need to come before the Board. There are proposed changes to the sign ordinance and they were discussed. These involve lighted borders and how sign area will be determined and also added new terms such as LED lighting to the existing neon term.**

**The Board continued going through the changes page by page and discussed the tree ordinance, storage pods, boat trailers, and commercial vehicles parked on public streets. Dr. Levitt said commercial trucks and vehicles such as jitneys in driveways are fine, but can be a safety issue when parked in the street. Mr. Notaro said the Board should be looking at gross vehicle weight and not carrying capacity as this would allow vans and pick up trucks to park in the street but not jitneys, box trucks and bucket trucks. The goal is to keep box trucks and jitneys off the street. Dr. Levitt said that box trailers used for storage on the streets are unsightly and so tall and wide that you can't see kids around them. The ordinance proposal is that they cannot be parked on the street for more than five days. Boat trailers will be prohibited from October 1<sup>st</sup> to May 1<sup>st</sup> on any public street. From May 2<sup>nd</sup> to September 3<sup>rd</sup>, boat trailers may be parked for no more than 48 hours and only in front of the resident's home. Recreational vehicles may not be occupied or hooked up to any utility.**

**Dr. Levitt reviewed communications going back to 2007 to make sure everything has been covered. It was decided that car ports are free standing accessory structures and will not be addressed. Mr. Doran read the section concerning restaurants existing in strip malls and how parking and area will be affected. He said currently restaurants are allowed as a conditional use only in the CB and RC zones. He suggested allowing them in shopping centers in zones allowing them as conditional uses with a maximum area of 20% of the gross area of the shopping center and with parking sufficient for 20% of the center.**

**Dr. Levitt said he would like to add something more to the addendum ordinance concerning historical sites. He suggested that if a site is to be completely torn out, the site must be documented with photographs and written descriptions to preserve the history and this should be submitted to the County Historical Society and to the State. This way if the structure is torn down, it will not be lost in history. The outside appearance should be adequately recorded as well as**

key internal structural components. This documentation should be approved by the Planning Board before any destruction takes place. There should be no review fees for this. Mr. Shippen commented on the historic home on Cove Avenue and said nothing of the original structure has been saved except possibly some of the foundation. Mr. Pat McGowan who remained in attendance as a member of the public commented that he was supposed to preserve beams that were for ornamentation and decoration and they were removed. Dr. Levitt said here we have the lost the oldest building in the County with no documentation except the basic footprint. Mr. Shippen commented that even that was altered.

At this point the Palombo's zoning issue presented at the beginning of the meeting was discussed. Mr. Roegiers said the Board needs to know what type of use is being proposed at the site so that parameters may be set. Mr. Zlotnick said the applicant needs to specify uses and the zone should not be open-ended. The Board should allow conditional uses and if the applicant deviates from them, they have to come before the Board subject to site plan approval. Dr. Levitt said constructing a parking ordinance is the main issue in this situation. House and Garden have always had a huge parking lot which still exists and the Palombo's site has a small parking lot across the street. It is difficult to structure an ordinance in terms of parking and setbacks. Basically the setbacks for the parking lot are zero since it is at the street. Mr. Shippen brought up the question of how it differs with what exists now; it sounds the same as what was denied. Dr. Levitt said it is now zoned residential and if they want a commercial use they have to come before the Board with what they want to do. If we allow a variety of permitted use, they won't have to come before the Board and can appear before the Zoning Officer for a permit. They want to be permitted a bunch of uses and if they find a tenant who wants to use the property for one of the uses, they don't have to come before the Board. Dr. Levitt noted that the property is not a zone. It is one property. House & Garden is a settled issue and they have applied for and been approved for their variances. They want us to change a zone for one property.

Mr. Zlotnick noted that five variances have been granted on those properties, but Dr. Levitt pointed out the variances were granted for the same use, such as the pharmacy use and they didn't change the nature of the use. Mr. Doran said if the zoning is allowed, there is already parking requirements and they will need a variance. That is the control the Board has. Dr. Levitt said the Board hasn't placed any undue burden on the owner and they have a right to come before the Board. This Board has shown a willingness to entertain and discuss that and to also expedite it. He felt it should remain as residential as a pre-existing commercial use in a residential zone. It was a pharmacy in the forties before the city had a zoning ordinance and he feels the use is a grandfathered use. Mr. Talvacchia has said the use is not grandfathered since they have been granted a variance. Dr. Levitt said he doesn't buy that argument at all because variances

granted were to enable them to make a pre-existing grandfathered use more viable. Mr. Zlotnick said the point is well taken. There was not a change of use over the years. If this goes to court, he thinks the Board will have the upper hand zoning-wise. This is a long-standing non-conforming use which is not being singled-out for special treatment and the Board is applying the law as it sees fit. Their argument is that they cannot secure a renter because they cannot give certainty of use before the Board acts. That is the bottom line. Dr. Levitt added that how can the Board change this zone and not change others such as the Post Office zone?

Dr. Levitt said that the feeling of the Board is that the zone be left as it is. The argument was thoroughly discussed and the decision was decided to leave the zone residential.

Pat McGowan of 2005 Shore Road addressed the Board during the public session as president of a neighborhood group that wants to keep commercial development out of residential neighborhoods. He is glad that the Board has agreed to not re-zone Oakcrest Avenue and Shore Road and to keep the neighborhood intact. He doesn't want to see commercial development in residential areas and he has concerns with the East Mill Road re-zoning to commercial between the traffic light and the causeway. Dr. Levitt said he thinks it will only affect two houses and that there are four businesses on that side of the street. Mr. Doran said there is a Chiropractic Office, the Bay School site, the car detailer and one other. Mr. McGowan said he understands that they are grandfathered sites. His concern is that at certain seasonal times, it can be difficult to get out of driveways in the area. He asked the Board not to make the situation worse. He said there are already many businesses near residential areas-the House & Garden site, Ventura's, Perri's Auto, the Hair Salon on Mt. Vernon or Roosevelt Avenue, plus others. Mr. Doran noted that the last two homes before the causeway are not included. Dr. Levitt noted that available parking would limit office size to small businesses such as an accounting office. This re-zoning will allow someone to buy a small house and also have a small business attached and this will keep the pressure off Shore Road. After researching the map, Mr. Doran said only 7 properties on Mill Road are affected and only 3 are residential houses. Mr. McGowan asked the Board if it is really worth it to change the zone. It is a public safety hazard when pulling out of driveways, it is an undesirable location and there is no real purpose to go there, and there are parking limitations. Dr. Levitt said it is an Ordinance objective to provide adequate commercial space as well as residential and it was felt that this section is more commercial than residential and there will be a minimal impact. Mr. Shippen agreed that the Board has a mandate to provide commercial space and this seemed like the area to do it. Dr. Levitt described that area as the car detailer, a small house behind it, a vacant lot which is large but narrow in depth, Brown Chiropractic, two houses, and the Bay School. He said he doesn't foresee

any major changes and one woman, who has been trying to sell her home for awhile, was happy with the zone change and thinks it will help her to sell since she will have the option to sell commercial. Chairman Levitt also noted that Mr. McGowan's comments about the area being a high traffic section makes it less desirable for residential. He thanked Mr. McGowan for coming to the meeting and welcomed his comments this evening and in the future. He also thanked the subcommittee, Mr. Doran and Mr. Landgraf for their work which has been three years in the making.

Chairman Levitt closed the meeting at 8:55 p.m. with a motion from Mr. Roegiers and a second from Mr. Shippen.

Respectfully submitted,

Robin Atlas, Secretary to the Board