

**City of Northfield Planning Board**  
**1600 Shore Road**  
**Northfield, New Jersey 08225**  
**Telephone (609) 641-2832, ext. 127**  
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Minutes: March 7, 2013

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, filed with the City Clerk, and posted on the City website, stating the date, time and place of the meeting and the agenda to the extent known. Notice of the 6:30 p.m. special start time was advertised in The Press February 25, 2013.

The regular meeting of the Northfield Planning Board, held on Thursday, March 7, 2013 in Council Chambers, City Hall, Northfield, was opened by Dr. Richard Levitt at 6:30 p.m. and the following members were present or absent as noted:

Linda Dyrek-absent  
Denise Kintish  
Dr. Richard Levitt  
Mayor Vincent Mazzeo-absent  
Lou Milone-absent  
Sgt. Paul Newman  
Henry Notaro  
Councilman Frank Perri  
Ron Roegiers  
Derek Rowe  
Clem Scharff-absent  
Jim Shippen

Matthew Doran, Professional Engineer  
Norman Zlotnick, Solicitor

The first application was a continuance from the February 7, 2013 Planning Board meeting. The applicant was Townsquare Media Atlantic City, LLC, Block 42, Lots 27 & 29, 950 Tilton Road, Suite 200. They are before the Board this evening to present the Access Easement requested by the Board at the February meeting. Mr. John Daniels, Esq. is the attorney representing the applicant and he introduced those present with him this evening. Mr. Mike Ruble, Mr. Tom McNally, Mr. Jon Barnhart, and Bob Hordes, the landlord representative, are present. Mr. Daniels gave a brief recap of the previous meeting in which Townsquare received approval from the Board for the construction of a 126-ft.

high radio broadcasting tower on Lot 29. As a condition of approval, they must present an access easement to the Board over, through, and across a portion of Lot 29. Mr. Daniels presented the proposed Access Easement detail for the Radio Broadcast Tower located on Lot 29 in Block 42 showing the cable tray going over to the tower. In addition, he presented a Common Driveway Access and Parking Easement Agreement providing for public and motor vehicle access to parking. Mr. Daniels presented original signed copies to Norman Zlotnick and said they are ready to file and record and requested the waiver of a site plan. Dr. Levitt asked if the Board had any questions and noted that it is understood that the radio tower is on a different lot than the building to which it is an accessory use and this puts it on an adjacent lot forming two principle uses on Lot 29. Dr. Levitt also asked if there are any proposed changes to the warehouse. The applicants said the building would remain as a warehouse and Dr. Levitt said any changes to this would require a re-appearance before the Board. Dr. Levitt asked if there was anyone from the public who wished to speak on the Access Easement and seeing no one, he closed the public session.

Mr. Doran said he has communicated with Mr. Daniels on numerous occasions by telephone and emails and he agrees that it is the correct easement and right size and he recommends approval. Mr. Zlotnick agreed that he has also been in communication with Mr. Daniels and from a legal standpoint he is very satisfied. Dr. Levitt suggested to Mr. Barnhart that in the future he would like to see lot line separation on the plans to be more discernible.

Dr. Levitt asked for a motion for the Site Plan Waiver subject to the recording of the Access Easement submitted by the applicant. Mr. Shippen made the motion which was seconded by Mr. Roegiers.

The roll call vote was as follows:

Mrs. Dyrek-absent, Mrs. Kintish-no vote, Mayor Mazzeo-absent, Mr. Milone-absent, Sgt. Newman-yes, Mr. Notaro-yes, Councilman Perri-yes, Mr. Roegiers-yes, Mr. Rowe-yes, Mr. Scharff-absent, Mr. Shippen-yes, Chairman Levitt-yes. The motion to approve the Site Plan Waiver with conditions noted carries.

The time at this point in the meeting was 6:38 p.m. Mr. Zlotnick said it would be legal to start the 2<sup>nd</sup> application which was advertised correctly for a 7:00 p.m. start. Dr. Levitt said if anyone from the public enters the meeting at 7:00 p.m., testimony will have to be repeated.

The second application began at 6:39 p.m. The applicant is Leigh Koch for 421 Davis Avenue, Block 109, Lot 8 for a "C" Variance for a left side yard setback to construct a new home. The zone is R-3. The plans were prepared by The Sidrane Group. Mr. Koch was sworn in by Dr. Levitt.

Mr. Koch stated that he plans to rebuild a home on the Davis Avenue property which has been demolished and a variance is necessary since the property line and remaining foundation are a little off. His architect requested that he seek a variance. Mr. Koch plans to construct a two story addition and the foundation is closer to the lot line on one side more than the other and he needs a side yard variance. He testified that the derecho storm of 2012 destroyed the previous home since a tree fell on the home. The home was not his at the time. Mr. Doran added that Mr. Koch was ordered by the Zoning Department to fix the home or tear it down. He decided to demolish the house, but left the foundation intact. He stated that the tree fell right through the house. The existing setback of the foundation is 7.42 ft. and 10 ft. is required. The home previously was a 1 and ½ story home and the new house will be a two-story home. He also plans to build a 12 ft. addition to the back of the home.

Dr. Levitt noted that Mr. Koch is not planning to go any closer to the lot line than what previously existed. Mr. Doran said he is also planning an 18 ft. covered porch in the front. Mr. Koch testified that it will be an entranceway and will not be living space. Mr. Doran said the foundation for the porch remains, but he is unsure if it was a covered porch previously. Mr. Koch said it originally was a covered porch. Dr. Levitt confirmed that Mr. Koch is going no closer to the property line and needs a 2.6 ft. variance and will conform on the southerly property line. Mr. Shippen referred to the plan and said the new first level floor plan shows a dotted line which seems outside of the proposed line. Mr. Doran said the one line shows the 10 ft. setback and the other is showing the setback to the building of about 7.5 ft. Dr. Levitt questioned the plan on the other side of the house and Mr. Doran said they are taking that side to the setback line. It is 18.6 ft. now and it will be 15 ft. which complies. Dr. Levitt noted they will need a new foundation on that side and Mr. Doran agreed. He added that the front porch needs a variance because it is not there now even though it is understood that it probably existed previously before he was asked to tear it down. There are two setback variances needed. One is for the porch and the other is for a side yard setback on the left side. Dr. Levitt noted that it would conform if it wasn't covered and they would need to come back before the Board if it was ever desired that the porch become living space.

Mr. Notaro asked if there were any trees at the front of the property. Mr. Koch said there is one big tree in front and another on the left side. There is one less tree on the property which is the tree lost in the storm.

Mr. Zlotnick asked Mr. Koch to discuss positive enhancements to the property and negative criteria to substantiate the granting of a variance. Mr. Koch said the previous house was an eyesore to the neighborhood and was not maintained. Since purchasing the property, he has demolished the damaged house and will build a new and beautiful home in its place. He testified that the purchase was an investment and will be an upgrade to the neighborhood. He

added that he has not heard negatively from any of the neighbors about what he plans to do. They had only expressed that they wanted the previous house removed.

Dr. Levitt discussed the front elevation. He noted that he did not see a covered porch diagramed on the plans and he said there won't be a variance required if the porch is uncovered. Mr. Koch said he believed that the porch will be uncovered and he wants to keep the existing porch. Dr. Levitt said the Ordinance permits a porch as part of an entranceway and then the setback would begin at the front wall of the house. The Ordinance permits a porch unless covered. Mr. Doran asked the Board to look at the 2<sup>nd</sup> floor plan and to see that the diagonal line is considered a roof and signals a roof line. Mr. Shippen agreed that most dotted lines on plans indicate a roof line. Mr. Doran said it is obviously not consistent with the roof. Mr. Shippen said the plans are contradictory and Dr. Levitt agreed that there is some conflict with the elevations shown. Mr. Notaro said a full porch is shown on the plan. Mr. Koch said he did not draw the plans himself and he does not plan to cover the porch. Dr. Levitt asked if the overhang conforms to the setback. Mr. Doran said a 12 inch overhang is allowed. Mr. Notaro noted that the overhang is within the setback. Dr. Levitt told Mr. Koch that if he doesn't ask for the variance now, he would need to come back before the Board if he decides later he would like the porch covered. Mr. Koch said he wants to ask for both variances. Dr. Levitt said that the covered porch will not be an enclosed living space and the Board will consider both variances. If Mr. Koch chooses not to exercise the approval, that is perfectly fine. Dr. Levitt also noted that the covered porch would be an enhancement to the property, not a detriment for the Board's consideration. Mr. Koch agreed.

Dr. Levitt stated that the Ordinance requires two shade trees in front 30 ft. on center and that the applicant should plant another tree. Mr. Koch said that there is presently a tree existing on the front lawn and there is one between the sidewalk and the curb. Dr. Levitt said he felt this would fulfill the tree requirement and said there are existing curbs and sidewalks. Dr. Levitt informed the applicant that he is required to plant foundation and landscape plantings by Ordinance. Mr. Koch showed photographs to Dr. Levitt and the Board on his cell phone which showed the property including a tree shared with his neighbors and a large tree on the site.

Dr. Levitt asked if the Board had any questions. He opened the public session, but there was no one present who wished to speak. He kept the public session open past 7:00 p.m. in case anyone came to the meeting at the previously advertised time of 7:00 p.m.

Dr. Levitt asked about the tree which came down in the storm. Mr. Doran said the tree went through the house and did a lot of destruction. Mr. Koch said no

one was living in the home at the time. Dr. Levitt noted that there is a shed remaining on the property. Dr. Levitt asked what he thought the new house would sell for. Mr. Koch wasn't sure but said he hoped a lot. Mr. Notaro noted that the house would sell for more with the covered porch. After 7:00 p.m. it was noted that no one from the public arrived to comment on the application. The public session was closed.

Mr. Perri asked about parking spaces on the property. Mr. Doran said an extended driveway exists. Dr. Levitt said it is allowable to park cars by stacking them in the driveway and he asked Mr. Koch if he would be willing to extend the driveway so that two cars would fit on site. Mr. Koch said he would be happy to do that. Mr. Perri commented that the porch looks covered on the plan. Mr. Shippen said that the discussion resulted because the plans are contradictory concerning the elevations and is the reason a variance will be necessary. Mr. Perri said he was concerned about another story being added above the porch. Dr. Levitt said that it could not be living space unless they came back before the Board. Mr. Zlotnick added that they will also need plot plan approval for the permit from the Building Department before commencing construction. Mr. Doran suggested wording the variance by stating this will be a covered first floor porch which will not be heated.

Mr. Shippen made the motion to grant a variance for the front yard setback for a single story covered porch that will not be enclosed and the side yard setback of 7.42 ft. where 10 ft. is required. Mr. Perri seconded the motion. Mr. Shippen added to the motion that the driveway will be extended to fit two cars.

The roll call vote was as follows:

Mrs. Dyrek-absent, Mrs. Kintish-yes, Mayor Mazzeo-absent, Mr. Milone-absent, Sgt. Newman-yes, Mr. Notaro-yes, Councilman Perri-yes, Mr. Roegiers-yes, Mr. Rowe-yes, Mr. Scharff-absent, Mr. Shippen-yes, Chairman Levitt-yes. The motion to approve the "C" variances carries.

The third application for this evening is for Paul and Helen Utts who are seeking a minor residential subdivision with no variances. The properties involve Block 160, Lot 18 and Block 160, Lot 21 at 134 East Rosedale Avenue and 144 East Rosedale Avenue. The attorney for the applicant was Chris Baylinson of Perskie Mairone Brog & Baylinson of Linwood, NJ.

Mr. Baylinson addressed the Board and said that Paul and Helen Utts are present and they reside at 144 E. Rosedale Avenue. The application involves a minor subdivision of two lots to two lots. The plans were drawn by Paul Koelling. Albert and Georgianna Clark who own 134 E. Rosedale Avenue want to sell Paul & Helen Utts 25 ft. of their property on Lot 18 and reconfigure the lot lines. Mr. Baylinson continued by saying that both lots more than conform in

that the required lot size is 7500 sf and the proposed lots will be 15,588 sf (Lot 18) and 17,174 sf (Lot 21). Dr. Levitt swore in Paul and Helen Utts.

Mr. Baylinson justified the subdivision by stating that the lots meet all of the bulk criteria requirements, the lots will continue to comply after the lot line is changed. It is a by-right subdivision and there are no variances. Mr. Utts testified that he resides at 144 E. Rosedale Avenue and he wants the extra land since he may want to build an addition in the future. Dr. Levitt and Mr. Roegiers commented that this is a straightforward subdivision. Dr. Levitt asked if anyone from the public wished to speak on the application and seeing no one, he closed the public session. Mr. Zlotnick commented that there are no variances involved and Dr. Levitt commented that what we have here are two conforming over-sized lots. Dr. Levitt asked about noticing. Mr. Baylinson said that noticing is not required as there are no variances and it is not locally mandated but is a State conditional site plan with a by-right minor subdivision.

Mr. Roegiers made the motion and Mr. Shippen seconded.

The roll call vote was as follows:

Mrs. Dyrek-absent, Mrs. Kintish-yes, Mayor Mazzeo-absent, Mr. Milone-absent, Sgt. Newman-yes, Mr. Notaro-yes, Councilman Perri-yes, Mr. Roegiers-yes, Mr. Rowe-yes, Mr. Scharff-absent, Mr. Shippen-yes, Chairman Levitt-yes. The motion to approve the minor subdivision carries.

There was one resolution to memorialize for Raechell Blumenthall approved at the February 7, 2013 meeting. The address is 16 Forrest Drive, Block 88, Lot 32. The approval was for "C" Variances for an accessory structure. Denise Kintish abstained. The voice vote was all in favor of memorializing the resolution.

A discussion about changeable message boards within the city followed. Dr. Levitt said that there isn't anything in the Ordinance controlling the brightness of the signs. He felt that the Capaldi Reynolds sign on Tilton Road and the One Stop Car Audio sign on New Road were especially bright. The difference between the changeable signs and conventional signs is that the light shines out instead of a light shining on the sign. He asked Mr. Doran to look into other towns and see how they are handling these signs. He noted that the City can expect to see more of them in the future. Mrs. Kintish asked if the brightness was due to the LED lighting. Dr. Levitt said yes and Mr. Roegiers asked if he is suggesting that the lumens be legislated as this is what controls the brightness. Dr. Levitt said the Ordinance states that messages may change once every three minutes and he has noticed that some businesses are not complying. Dr. Levitt said he has mentioned to the Zoning Officer that Bootleggers is still not in compliance. Mr. Doran said he would follow up with Mr. Dattalo on this and he will also check the DOT specs and check with other towns. Mr. Shippen asked if this would necessitate a recommendation for an Ordinance change. Dr. Levitt

answered possibly. Mr. Doran added that let's hope that the DOT has good specs and then the businesses would have to comply.

Mr. Shippen made the motion to close the meeting and Mr. Roegiers seconded the motion. Dr. Levitt closed the meeting at 7:10 p.m.

Respectfully submitted,

Robin Atlas, Secretary to the Board