

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

Minutes: September 5, 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.

The regular meeting of the Northfield Planning Board, held on Thursday, September 5, 2013 in Council Chambers, City Hall, Northfield, was opened by Chairman Richard Levitt at 7:00 p.m. and the following members were present or absent as noted:

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

Matthew Doran, Professional Engineer
Norman Zlotnick, Solicitor-absent; Jacqueline Hawkins-Stiles, Esquire-present

There were two applications on tonight's agenda. The first was Nicholas D. Grasso for the property at 921 First Street, Block 114, Lots 19, 20 & 21 for a Minor Subdivision including "C" Bulk variances. The application was represented by Thomas H. Darcy, Attorney and Professional Planner of Galloway. Dr. Levitt swore in the applicants present who were Nicholas D. Grasso and his father, Francis G. Grasso, who is known as Gerry.

Mr. Darcy addressed the Board by describing what currently exists at the site. He noted that both First Street and Roosevelt Avenues are oversized streets of 60 ft. width and are paved and have curbing and sidewalks. The First Street frontage consists of 75 ft. and the Roosevelt Avenue frontage is 150 ft. The requirement in the R-3 Zone is 50 ft. of frontage on a 6000 sf building lot. The existing home was build back in the 1920's and is tucked into the corner of First Street and Roosevelt Avenue. The lot has a non-conforming side yard setback and the garage is not in the best of conditions. The balance of the property is an open grassy field area. The proposal will divide the site

into a two lot minor subdivision and they plan to cut the property along its greatest width of 150 ft. along Roosevelt Avenue dividing the lot in half with each building lot having 75 ft. frontage. One lot will contain the existing dwelling and the other is proposed for new construction of a single family home. Variances will be requested in order to do this. Mr. Darcy said that even though the lots are well in excess of the 50 ft. frontage requirement, they lots will only have 75 ft. of lot depth. The lots will be slightly below the 6,000 sf minimum for the zone and each will have 5,625 sf of lot area which represents a 6% deficiency. The existing home lot will be a 75 ft. x 75 ft. lot with the same 5,625 sf. It is not unusual in this zoning district to have a subdivision where the original 150 ft. frontage is cut into two or three lots. Mr. Darcy noted that there is an exact subdivision to the proposed in Block 112 and this is common in R-3 zones. Mr. Darcy said that they will be requesting a lot depth variance as the requirement is 100 ft. and each new lot will have 75 ft. There are existing properties on both sides of the proposed subdivision and there is no vacant land to be purchased to increase lot depth. He added that the neighbors have been supportive of the project and careful planning has gone into the project for neighborhood concerns.

Mr. Darcy continued discussing the variances. They will need a variance for a new deck on the existing home. It is now a standard stoop deck and they want to make it both bigger and wider to allow for more enjoyment in the evenings on the front porch. The existing front setback is 18.7 ft. and this will be decreased to 12.7 ft. The existing front setback on Roosevelt Avenue is 11.2 ft. which will be no closer to Front Street than the existing dwelling on Roosevelt Avenue. Dr. Levitt asked if the porch will be enclosed in anyway. Mr. Darcy said it will not be enclosed and will be an open deck-style porch. Dr. Levitt asked Mr. Doran about the setback requirement and he responded that the setback requirement is 18 ft. and they are requesting 12.7 ft.

Mr. Darcy explained the side yard setback characteristics. The proposed lot will have proper setbacks for the new dwelling with side yards at 10 ft. and 15 ft. on the west side for an aggregate of 25 ft. which is required by ordinance plus a 25 ft. rear yard which conforms. They are proposing a 20 ft. setback in front which according to Ordinance 2-15-56b states that if adjoined homes have a setback of less than 25 ft., the setback can be reduced in the front to conform, but no closer than 20 ft. Mr. Darcy referred to Mr. Doran's report in that there was a discrepancy concerning the side yards for the proposed lot. Mr. Doran has in his report that one of the side yards will have to be 15 ft. not 10 ft. Mr. Darcy said there is plenty of room from the property line to the existing dwelling to extend a side 5 yards for either lot and they will change to conform with Mr. Doran's report.

Mr. Darcy continued by stating that there are curbs and sidewalks on both sides but they are not in the best shape and the applicant will agree to any recommendations for replacements that Mr. Doran feels are necessary. Water and sewer hookups are available for both lots. He also noted that the applicant would agree to wait for the moratorium on Roosevelt Avenue to make any cuts to the street. They intend to eliminate the existing garage. They have off street parking and are proposing a one or two car garage for the new home and there is plenty of room for two parking spaces on site. For the existing home, stacked parking may be more appropriate because the space is a bit tighter. They will be eliminating an old garage and adding a curb cut on First Street and will obtain any road opening permits from the City and for any

improvements necessary to the right-of-way. Mr. Darcy said that he has stated the essence of the application.

Mr. Darcy discussed the variances. He said they are requesting an area variance for each lot, a depth variance for each lot and a front setback for the new deck on the existing home. They are not applying for the "C" variances under hardship, but are applying under C2 in that the purpose of Municipal Land Use Law will be advanced, benefits will outweigh detriments, and a better zoning alternative will exist than that with currently exists.

Mr. Darcy began by discussing the four purposes which describe the benefits. The first is the promotion of the general welfare. The uses for the existing situation and the proposed are uses which are permitted uses in the zone. The second benefit is the promotion of a desirable visual environment as they will be constructing a new dwelling with a garage. The third purpose concerns light, air, and open space. The setbacks for the proposed dwelling will comply with setbacks, building coverage, and impervious coverage which will all provide light, air, and open space. The fourth involves overall density in a zoning district and this application will cause a minor deficiency concerning population density. This will be addressed further.

As to negative detriments, Mr. Darcy noted that there are no substantial detriments to the characteristics of the neighborhood. Mr. Darcy took an inventory of the entire R-3 district using tax assessment information which is a reasonable methodological approach. There exists 48 acres in the entire R-3 zone and using a base lot area of 6,000 sf and surmising that the entire R-3 zone was built to capacity at this lot size, there could be 350 lots. There are actually 239 lots in this zone that have been developed. The applicant is proposing only one additional building lot with a minimal 6% deficiency in area and Mr. Darcy stressed that this will not alter the character of the neighborhood. Mr. Darcy continued to describe the density and provided an example using Block 114 which has 150,000 sf of lot area. Dividing this by 6,000 sf would yield 25 lots which could be developed. There are actually only 19 developed lots which mean there are six less building lots than allowed in this R-3 zone. There are four lots which have less than 50 ft. of frontage and sixteen have less than 75 ft. frontage. The two proposed lots are larger than all of these. Mr. Darcy said it is not uncommon for corner lots to be cut this way. There are existing lots in the R-3 zone which are much narrower than the proposed lots and he took an inventory and found that of the 239 developed lots, 171 have frontages of less than 75 ft. He reminded that the new house will meet setbacks and coverage and they will be removing the old garage from the existing dwelling property. Mr. Darcy concluded the positive/negative criteria testimony by referring to the Master Plan of the City and referred to the section which states that the plan is to encourage residential development in locations compatible in density and with existing development patterns and which can be properly serviced with existing public roads, utilities, and services with existing sidewalks and curbs providing there is no substantial impairment to the character of the neighborhood and in this case, there is only a minimal deficiency in area.

Before proceeding, Mr. Darcy asked the applicant to address street trees. Dr. Levitt asked if there were any existing street trees. Nicholas Grasso stated that there are none currently, but he is looking forward to planting trees. Dr. Levitt said three are necessary on the corner lot and two on the other lot. Mr. Grasso said he is a landscaper

by profession and he agrees with the addition of the trees. He introduced himself as Nick Grasso and his father, also present, as Gerry Grasso. They intend to construct a Cape Cod or Colonial style home from 1,800 to 2,100 sf with a full basement and attached garage. Nick Grasso stated that he resides across the street and will look at the new home every day and will want it to be nice. He is happy that a new family will be moving into his neighborhood. He has reached out to his current neighbors and they are very excited and he has heard no negative comments and some of them are present tonight and have submitted letters to Mr. Darcy even though they are not admissible as evidence. Mr. Gerry Grasso added that he has seen other subdivisions which have smaller lots, but this lot is wide open and physical structures are more than 60 ft. away.

Dr. Levitt asked for questions from the Board and he opened the public session. No one wished to speak on the application so the public session was closed. Dr. Levitt checked with Mr. Doran that everything in his letter was addressed. Mr. Doran agreed that it was and Dr. Levitt asked for a motion.

Mr. Scharff made the motion for a C2 variance for a minor subdivision deficient by 375 ft. per lot including variances for lot area, lot depth, and a front yard setback. Mr. Shippen seconded the motion.

The roll call vote was as follows:

Mrs. Dyrek-yes, Mrs. Kintish-no vote as 2nd alternate, Mayor Mazzeo-yes, Mr. Milone-yes, Sgt. Newman-yes, Mr. Notaro-yes, Councilman Perri-yes, Mr. Roegiers-absent, Mr. Rowe-no vote as 3rd alternate, Mr. Scharff-yes, Mr. Shippen-yes, Chairman Levitt-yes. The motion to approve the Minor Subdivision with "C" Variances carries.

The second application on the agenda is Flavio Duque, D/B/A Escape Day Spa who is seeking a "D" Use Variance for Professional therapeutic massage, facials and other similar services for the location at 1002 New Road in Block 110, Lots 31,32 & 33 which is in the O-PB zone.

The attorney representing the applicant is Mark H. Stein of Pleasantville. He gave a brief overview of the application. The property is the former East Coast Diving Supply building on New Road and the applicant wants to operate a day spa. The problem with the concept is massages which is not a permitted use in Northfield. The other services are permitted uses. He referred to the spa pamphlet menu which he labeled as Exhibit A-4 to describe the services. Mr. Stein noted that the applicant has a similar operation which they hope will be a sister spa in Linwood in the Cornerstone building called Tranquility Spa. The Northfield location will be smaller, but will offer comparable services. They have enlisted the services of an interior designer by the name of Carol Brown. She could not attend the meeting tonight due to the Jewish holiday. Mr. Stein said the applicant, Flavio Duque, is present as well as his wife Yanling Li who is a licensed massage therapist and he labeled her State certification Exhibit A-1. The other exhibits were as follows: Exhibit A-2 Floor plan lay-out, Exhibit A-3 a 1985 Plan drawn by Paul Koelling.

Mr. Stein continued by saying that under the technical letter of the law, the use does qualify as massage and a variance is necessary, but in today's spirit, this is not a

massage parlor. The City of Linwood has accepted this day spa and the applicant feels the city of Northfield is a particularly well suited location.

Dr. Levitt swore in Flavio Duque and Yanling Li. Ms. Li testified that she is currently the owner of the spa but is expecting a baby. She will resume massage after the birth. She described some of the services as including massage, waxing and facials. The spa has a member service to fit lifestyles. She is certified by the State of New Jersey and has hired all licensed professionals. The Tranquility Spa has six employees and the services described in the menu are provided. She realizes that there are a few spas around locally, but hers are the only ones offering wellness and memberships. She feels hers is the best. Dr. Levitt asked for the record that this business will in no way be a sexually oriented business. Ms. Li answered, "No way". She stated that her business has only licensed professionals. She added that English is a second language for her and she is not used to speaking in public. She was assured she was doing fine.

Mr. Duque described the offered services and said Yanling will run the Linwood location and he will operate the Northfield store. The Northfield location will be 1500 sf and will provide the same services as Linwood. They want to be located in the community of Northfield and chose Northfield and Linwood to operate their businesses as they are nice areas and they want to attract a higher end clientele. They will employ four people at the Northfield store including two licensed massage therapists, one esthetician, and one receptionist. The hours will be Monday to Saturday from 10:00 a.m. to 8:00 p.m. and Sunday 11:00 a.m. to 6:00 p.m. He added that Carol Brown, their designer, could not be present today due to the holiday.

Mr. Duque said that massage parlors have a bad connotation. Their business is a day spa. This use will be perfect for the location on New Road to serve Northfield and surrounding areas. Mr. Stein said that the area is surrounded by commercial businesses and he noted the 7-11 and the United States Post Office as examples. Mr. Stein continued to question Mr. Duque and it was agreed that there is sufficient parking and that the site is particularly well suited for this use and would present no detriment or conflict to the residential neighborhoods. Mr. Stein said that they are before the Board strictly to obtain a "D" variance and everything else associated with the project is permitted.

Dr. Levitt said that the Board recently approved a day spa at the Island Gym shopping center and the Board addressed the concerns of the City as to why massage parlors are not a permitted use. Dr. Levitt asked Mr. Duque how he would address a customer asking for a sexual service and how this would be handled. Mr. Duque said he would tell the person they absolutely do not do that kind of service at the day spa. Mr. Stein said there are walk-ins at their establishment, but most are steady customers. Mr. Stein said the spa has a very tranquil atmosphere and he is a customer. Ms. Li said their designer helps to create the environment. Mrs. Dyrek commented that she has visited the Linwood site and said it is so nice and Ms. Li does a wonderful job. Mr. Stein agreed that this is accomplished with the type of design and designer and this is an upscale type of spa. Mrs. Dyrek commented that they have a reputation for high end care and it is a beautifully run business.

Mr. Doran discussed his Engineer's report. He noted that there are parking spaces on site and he said there will be four employees on staff and he asked the applicant if he

felt he will use more than the available parking at any one time. Mr. Stein said that most treatments are about an hour and there is also an available garage on the site which could add one extra parking spot. At full capacity, they would use approximately eight parking spaces and there may be a slight overlap. Mr. Doran asked about new signage. Mr. Stein said they will be utilizing existing signs and will not be increasing any signage. Mr. Doran noted that he saw a dumpster which should be moved or fenced. Mr. Duque said the dumpster belongs to the neighbor. Mr. Doran said that if they intend to have a dumpster, it will have to be screened from view. Mr. Duque said they will not need one and will handle trash pick-up as did the previous tenant. Dr. Levitt asked if they would store trash within the facility. Mr. Stein said they have a garage for storage. Mr. Doran said he saw a dumpster in the front yard. Mayor Mazzeo noted that he hopes they understand they will need a private trash collector. Mr. Perri noted that there previously were shrubs on site that were in the site triangle and he said they should never be replaced. Mr. Stein said the owner has removed them and they will remain removed. Mr. Duque said they intend to make the building more appealing and are looking forward to doing business there.

Tom Maddox, the owner of the property, was sworn in. He said there is an additional loading zone which can be converted to a parking spot if needed. He intends to remain the owner of the property and lease it. He recently removed the 'hated' shrubbery and he spoke with Mike Dattalo about them and was told by the Zoning Officer not to replace the shrubs. He would like to sod the area after the fall clean-up is done. Mr. Maddox said he was glad the dumpster has been brought up. He has requested a few times that this issue be looked into. He said it belongs to a builder and should be removed. It is on the site of the old PGA building and is up near the road right against his property. It makes his building look horrible and is viewable north on Route 9. Dr. Levitt mentioned that the Zoning Officer should look into this. Mr. Maddox mentioned that the American Diving Supply business has now re-located to Egg Harbor Township in a larger facility. Dr. Levitt opened and closed the public session as no wished to speak on the application. Mr. Doran said he was satisfied that all items in his report had been addressed.

Dr. Levitt mentioned before the motion that positive and negative criteria needs to be fully addressed. Mr. Stein said that positive criteria had been addressed in that the use is well suited for this site and Ms. Stiles agreed that the issue had been covered and Dr. Levitt agreed that the Board can accept the testimony. Councilman Perri asked for clarification for the record that persons under 18 years old are allowed to visit with a parents' consent and may need to sign a waiver as stated on the spa menu. Mr. Duque stated that persons under 18 can use the spa with parental consent and he clarified the job of an Esthetician for Dr. Levitt which includes facials and make up. Mr. Stein mentioned that he has an underage daughter interested in spa services, but it is not permitted without parental consent.

Mr. Clem made the motion for the "D" variance for the operation of the Escape Day Spa at Block 110, Lots 31, 32, at the address of 1002 New Road. Mr. Shippen seconded the motion.

The roll call vote was as follows:

Mrs. Dyrek-yes, Mrs. Kintish-yes, Mayor Mazzeo-no vote as elected official, Mr. Milone-yes, Sgt. Newman-yes, Mr. Notaro-yes, Councilman Perri-no vote as elected official, Mr.

Roegiers-absent, Mr. Rowe-yes, Mr. Scharff-yes, Mr. Shippen-yes, Chairman Levitt-yes. The motion to approve the "D" variance carries.

Dr. Levitt mentioned that he was given a copy of plans for the Community School for certain improvements for his review and he will look them over and get back to the Board with any issues.

There was one resolution to memorialize for Riska Properties 1622 L.L.C., Block 97, Lots 12.01 & 15.01 at 1622 Tilton Road and 1415 Wabash Avenue. The resolution is a denial of a D1 variance for the parking lot on Wabash Avenue and the approvals are for a major site plan, bulk variances, and a D4 variance for Floor Area Ratio. Linda Dyrek abstained. The voice vote was all in favor.

Dr. Levitt announced publically the rescheduling of the 2605 Shore Road, L.L.C. application to the next regular meeting October 3, 2013 and that no further noticing would be necessary.

The meeting was closed by Chairman Levitt at 8:06 p.m. with a motion from Mr. Shippen and second from Mrs. Dyrek.

Respectfully submitted,

Robin Atlas, Secretary to the Board