

**City of Northfield Planning Board  
1600 Shore Road  
Northfield, New Jersey 08225  
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**Minutes: November 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.

The regular meeting of the Northfield Planning Board, held on Thursday, November 7, 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-absent  
Henry Notaro  
Councilman Frank Perri  
Ron Roegiers  
Derek Rowe  
Clem Scharff  
Jim Shippen-absent**

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

The first application on the agenda was Eric & Barbara Shenkus of 11 Jack Sloan Court, Block 40, Lot 18.21 whose residence is located in the R-4 Zone. They are seeking approval for four variances to construct an in-ground swimming pool in the backyard including a paver patio and modifications to an existing rear porch. Dr. Levitt swore in Eric & Barbara Shenkus as well as Jon Barnhart, Engineer & Planner with Arthur W. Ponzio Co. of Atlantic City.

Mr. Shenkus noted that Mr. Barnhart will present the case. Mr. Barnhart said he is familiar with the homes on this street as he resides in the neighborhood and he is aware that a number of homes here have sought approval for pools. The proposal is the development of a rear yard, in-ground swimming pool and patio

area. He mentioned that the development includes all two-story single-family homes.

He presented a rendered site plan with color added. The pool will be a 15 ft. wide and 28 ft. long in-ground pool and there is an existing paver patio which they intend to expand. He described the deviations requiring variances. A side yard variance is needed for the mechanical equipment where 10 ft. is required and they are proposing 8 ft. The lot coverage requirement is 40% and 53% is being proposed. The pool setbacks require two variances; one is a side yard variance for 8 ft. where 10 ft. is required, the other is distance from the structure for 6.5 ft. where 8 ft. is the requirement. There is an existing non-conformity as lot area is 8,000 sf and 8,500 sf is proposed. Mr. Barnhart noted that the two setbacks are a function of how the lot was constructed and the type of home that sits on the property and that the rear exit to the house is centered on the building. This creates a landing area which pushes the pool closer to one side of the property thus creating the need for the setback variance. Similar applications have asked for a rear yard setback to construct pools even though the homes have a 10 ft. wide easement at the back of the property. This property will conform to the rear yard setback and they are asking for some relief for the distance between the home and the pool. Mr. Barnhart said the stairs at the rear of the property face away from the pool and he did not feel this created any unsafe conditions. The 2 ft. deviation in order to build the patio around the pool will still allow for a 5 ft. landscaped area and fence to serve as a buffer.

Dr. Levitt asked Mr. Barnhart to discuss the purpose of the storm easement. Mr. Barnhart said the easement runs along the rear of the properties in the neighborhood and it contains a storm water pipe between the properties on Jack Sloan Court and the properties to the rear. The pipe actually runs on the rear neighbor's property and doesn't affect the Shenkus property. Mr. Barnhart said considering the location of the pipe on the rear neighbor's property, there would be little risk of Mr. Shenkus having to remove the patio lounge area if repair to the pipe were necessary. Dr. Levitt asked if there were any restrictions as to what can be built in the easement. Mr. Barnhart said he discussed this with Mr. Shenkus and there are none. Mr. Barnhart said they will have an 11 ft. setback to the rear where 10 ft. is allowed and he noted that the Homeowner's Association owns the storm water pipe, not the City.

Mr. Barnhart continued by discussing the deviation for the pool equipment and the air conditioning unit. They are proposing 8 ft. where 10 ft. is required. He believes there to be no discernible difference in noise level due to the 2 ft. deviation. This side will face the neighbor's home where they only have 2<sup>nd</sup> story windows. The last deviation is lot coverage. They are proposing a very minimal patio and if they had intended to construct an elevated patio, it would not have

been included in the coverage percentage. They are proposing 53% and 40% is permitted.

Concerning negative criteria and any detriment to the public good, he said that he has explained why the variances are necessary and he noted that all of the surrounding neighbors support this project. He believes the City will see more of this type of application as this is a new neighborhood in town and the project is consistent with the pattern of development in the neighborhood. The houses are big and the land areas are small. The homes are large for the dimensions of the lots. Dr. Levitt noted that the R-4 zone includes a mix of different sized lots.

Mr. Doran commented that he agrees with the four variances and he would like a submission of the easement for review before a building permit is issued to make sure it doesn't state that certain things cannot be built on the easement. Mr. Doran said that the fence must comply with the building code. Mr. Shenkus said there are two references to the easement in the Covenant & Restrictions as well as the Master Plan of the Subdivision which simply notes the existence of the storm water easement and he would gladly submit copies of these documents. Mr. Roegiers asked if the impervious coverage calculations include the pool and all the paver areas. Mr. Barnhart said they do as Ordinances don't allow you to take that credit for the pool itself.

Dr. Levitt asked if anyone from the public wished to comment, and seeing no one, he closed the public session.

Mr. Scharff made the motion for the four variances including total coverage, the pool to the dwelling, equipment to the property line, and the pool to the property line. Mr. Milone seconded.

Councilman Perri added the condition of approval for the review of the storm water easement by Matt Doran. Dr. Levitt added that he wants to make sure there will be no water problems with flooding onto the neighbor's property. Mr. Barnhart said there is no chance of that happening since properties grade as such that water flows away from the properties and toward the drainage basin.

The roll call vote was as follows:

Mrs. Dyrek-yes, Mrs. Kintish- yes, Mr. Milone-yes, Sgt. Newman-absent, Mr. Notaro-yes, Councilman Perri-yes, Mr. Roegiers-yes, Mr. Rowe-no vote as 3<sup>rd</sup> alternate, Mr. Scharff-yes, Mr. Shippen-absent, Chairman Levitt-yes. The motion to approve the "C" Variances carries.

The second application is from Jaime Epstein, 113 Mt. Vernon Avenue, Block 120, Lot 2 in the R-2 Zone. She is requesting "C" Variance relief for a side yard

setback in order to construct an addition to her existing single-family home. Jaime and her husband Warren were sworn in by Dr. Levitt.

Mrs. Epstein gave a brief history stating that her father passed away. The family had been discussing her mother's future and eventually her mother would most likely move in with the Epstein's for the next chapter of her life. A year and a half ago her mother was diagnosed with Parkinson's disease and this has created great changes in her life. They explored different options and they came up with a plan for a new bedroom and sitting area, but this has created a setback issue for one side where 15 ft. is required and 8 ft. is proposed. In order to continue straight back with the addition, they would need a variance. Dr. Levitt clarified that they would not be encroaching into the setback any more than what currently exists. They conform on the one side and the rear of the property. They simply need one side yard variance.

Mr. Doran agreed with the variance and said that Planning Councils do recognize these conditions when the applicants are matching an existing house that doesn't comply. He felt that the 8 ft. setback should be allowed to continue to the rear of the house and the basic plan should be allowed to continue because it is already there. Mr. Zlotnick agreed that they are not exacerbating the current condition.

Dr. Levitt asked if they had curbs and sidewalks and Mrs. Epstein said yes and added that the garage and driveway would remain the same. Mrs. Epstein said the addition will be one-story. She said the house is square in shape and at some point someone added on a rectangular section onto the back and it is divided in half. They intend to create the addition around this area. Dr. Levitt noted from the plan that they propose to add a little deck with steps.

Mr. Roegiers asked about how they would be dividing the living quarters. Mrs. Epstein said they will add a pocket door between her house and her mother's living section and she will have an outside entranceway. Mr. Roegiers noted that he didn't want to see an apartment created which could be rented if they should move away. Dr. Levitt asked about kitchen facilities for the addition. Mrs. Epstein said they intend to have a small kitchen area for her mother to use. Dr. Levitt thanked Mr. Roegiers for noting this and said it will be a condition of approval that this portion will never be rented or used by anyone but the family since the zoning is for single family homes. Mr. Epstein said they have no intention of moving. Mr. Roegiers suggested a deed restriction. Mr. Doran felt that would not be necessary since the resolution will always be on file and will be enforceable in court.

Mr. Perri asked about downspouts and grading. Mrs. Epstein said they have not had any drainage issues and Dr. Levitt noted that the backyard is quite large.

Mr. Perri said, as a pre-caution, that they make sure the downspouts do not head toward the neighbor's properties.

Dr. Levitt opened the public session, and seeing that no one wished to speak on the application, he closed the public session.

Mr. Doran said that the application is straightforward.

Mr. Scharff made the motion for the "C" Variance for a side setback of 8 ft. subject to the condition of strictly single family use and to make sure the drainage spouts are addressed. Mr. Milone seconded the motion.

The roll call vote was as follows:

Mrs. Dyrek-yes, Mrs. Kintish- yes, Mr. Milone-yes, Sgt. Newman-absent, Mr. Notaro-yes, Councilman Perri-yes, Mr. Roegiers-yes, Mr. Rowe-no vote as 3<sup>rd</sup> alternate, Mr. Scharff-yes, Mr. Shippen-absent, Chairman Levitt-yes. The motion to approve the "C" Variance carries.

The 3<sup>rd</sup> application was represented by Brian Heun, an Attorney with Ridgway & Ridgway of Linwood. The applicant was Nora Price, sole owner of Drift Day Spa, LLC, at the location of 201 Tilton Road, London Square Shopping Center, Unit 13A in the R-C Zone for a "D" Use Variance to operate a Day Spa with therapeutic massage.

Mr. Heun addressed the Board and said the massage therapy is the only component of the spa which is not a permitted use. There will be no modifications to the property except for the interior of the unit. Mr. Heun said that only NJ licensed massage therapists are permitted to work in these spas and Ms. Price does have her license and NJ now requires this licensure.

Mr. Heun addressed positive criteria issues and said the site is well suited for this type of business. If not for the massage therapy, the spa would be a permitted use. There is no negative impact on the neighbors or the zone. All procedures will be done within the unit and they will provide facials and other type of spa procedures.

Dr. Levitt presented the same question asked of the other two Day Spa applications recently before the Board. He asked the owner to certify that no sexual activities would take place and Mr. Price assured the Board that there would be no such thing.

Mr. Roegiers asked about the hours of operation. Ms. Price answered that she would operate the business between the hours of 10:00 a.m. and 6:00 p.m. or possibly 9:00 a.m. to 5:00 p.m. Mr. Zlotnick asked about the days of the week and she said she would like to be open 7 days a week. Mr. Perri asked if the

services were by appointment. Ms. Price said she would accept appointments and walk-ins.

Dr. Levitt opened the public session and seeing that no one wished to speak, he closed the public session.

Mr. Zlotnick asked Ms. Price to expand on the other uses and services. Ms. Price said she is an Esthetician and her priorities are skincare and facials but her services will also include make up, waxing, body treatments and wraps and she has worked in several other locations over the past few years and wants massage to be part of the package she has to offer. Mr. Roegiers asked if she was the owner and she said yes. Mr. Heun commented that she will be there day to day. Mr. Doran asked about the number of employees since it can concern parking issues. Ms. Price said the unit was previously used as a doctor's office and she presently has two employees. Dr. Levitt commented that her business would be no busier than a doctor's office. Ms. Price said the site has no parking issues. Mr. Roegiers asked if the rooms had doors and Ms. Price said there are doors as there are treatments occurring which should have privacy.

Mr. Scharff made the motion for a "D" Use Variance for the operation of a Day Spa in Unit 13A of the London Square Shopping Center. Mr. Roegiers seconded the motion.

The roll call vote was as follows:

Mrs. Dyrek-yes, Mrs. Kintish- yes, Mr. Milone-yes, Sgt. Newman-absent, Mr. Notaro-yes, Councilman Perri-no vote as elected official, Mr. Roegiers-yes, Mr. Rowe-yes, Mr. Scharff-yes, Mr. Shippen-absent, Chairman Levitt-yes. The motion to approve the "D" Variance carries.

There were three resolutions to memorialize. The first was for Richard Zappala, Block 110, Lot 4 at 427 Mt. Vernon Avenue for "C" Variances to construct a residential addition. The voice vote was all in favor with Mayor Mazzeo and Mr. Milone abstaining. The second was for Riska Properties 1622, LLC, Block 97, Lot 15.01 for 1415 Wabash Avenue for Preliminary and Final Major Site Plan approval with a "D" Use Variance for construction of a non-drive-through parking lot. The voice vote was all in favor with Mayor Mazzeo and Councilman Perri abstaining as elected officials. The third was for 2605 Shore Road, LLC for Preliminary and Final Major Site Plan Approval, Conditional Use, a D3 Variance and "C" Bulk Variances and Waivers to develop additional medical uses in the existing building, to demolish the Palombo's Pharmacy building, and to construct new parking areas in two phases. The voice vote was all in favor with Mayor Mazzeo, Councilman Perri, and Dr. Levitt abstaining.

Dr. Levitt brought up an item for discussion concerning LED lighting and signage which are permitted in the City with regulations. He noted that

brightness is no part of the regulations. He added that he noticed an issue at the Capaldi-Reynolds building with the sign being exceptionally bright. Mr. Scharff agreed with this and also noticed the brightness, especially at night. Bootleggers have the same issues with their signage. Dr. Levitt said that Tilton Market, One Stop, and the Credit Union all have changeable message signs and their signs have not been a problem. He asked Mr. Doran to look into this. Mr. Doran reviewed Hainesport in Burlington County whose municipality has restrictions and regulations attached concerning undue glare on the roads and brightness at night. Dr. Levitt proposed that a committee be formed to look into similar regulations for Northfield and to do some research as to what other municipalities are doing and to possibly amend the Zoning Ordinance concerning this issue. Mr. Roegiers and Mr. Scharff agreed that lumens and candelas are the issue and an agreeable number needs to be established. Dr. Levitt said some municipalities designate different brightness restrictions for day and night. Mr. Roegiers commented that automobile lighting works that way. Mr. Scharff gave an example of the lighting on the pier in Atlantic City which during the day is lit at 90% to 100% and at night the lighting is at 5%. Mr. Scharff said this allows the lighting systems to last longer, they don't use as much power, and do not interfere with the light show in front of Convention Hall. Dr. Levitt said that Mr. Scharff is very knowledgeable on the subject and asked that he serve on the committee. Discussion continued.

Dr. Levitt asked for a voice vote to form the subcommittee to look into how to regulate electronic signs in terms of brightness. All were in favor. Mr. Scharff will chair the committee and Mrs. Kintish volunteered to serve on the committee as well as Mr. Shippen.

Mr. Doran suggested also taking another look at the pool section in the Ordinance as it is confusing in sections. Dr. Levitt said there have also been a number of Day Spa applications recently and perhaps that use should be reviewed as well. Councilman Perri said he would like to see this type of testimony on record and Mrs. Kintish agreed. Dr. Levitt said Day Spas would remain a prohibited use and come before the Board for approvals.

A discussion about the lot that was clear cut near the Methodist Church behind Tilton market. It was asked that the Zoning Officer look into this to make sure there is no illegal construction going on. Mr. Doran said there is no doubt that site plan approval would be necessary.

Dr. Levitt closed the meeting at 8:02 p.m. with a motion from Mr. Roegiers and a second from Mrs. Dyrek.

The next regular meeting will be held Thursday, December 5, 2013 at 7:00 p.m.

Respectfully submitted, Robin Atlas, Secretary to the Board