

City of Northfield Planning Board
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Minutes: June 5, 2014

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, May 1, 2014 in Council Chambers, City Hall, Northfield, was opened by Chairman Richard Levitt at 7:04 p.m. and the following members were present or absent as noted:

Timothy Anderson
Councilman Erland Chau
Linda Dyrek-absent
Denise Kintish
Dr. Richard Levitt
Mayor Jerry McGee-absent
Lou Milone
Sgt. Paul Newman
Henry Notaro
Ron Roegiers
Derek Rowe-absent
Clem Scharff-absent
Jim Shippen-absent

Matthew Doran, Professional Engineer
Norman Zlotnick, Solicitor

Following the reading of Sunshine and the roll call, Chairman Levitt called the first applicant to proceed with their application. Dr. Levitt swore in Robert H. Cummings. The property is located at 2615 Zion Road, Block 1, Lot 12.01 in the R-1 Zone and Mr. Cummings is seeking "C" Variances to construct an accessory building.

Mr. Cummings testified that he would like to build a pole barn which exceeds the size and height requirements of the Ordinance. The maximum size allowed for an accessory structure is 500 sf and he is proposing a building 960 sf. The maximum height allowed is 12 ft. and he is proposing 19.55 ft. He would like to use the barn for personal use to store his boat when not in use and to keep it out of the weather since it is costly to replace the upholstery and he would also keep a car in the building. Dr. Levitt commented that his home is adjacent to his garden center business and he questioned whether he would be using the garage for any business uses or for storage

of materials or landscaping vehicles. Mr. Cummings said that he makes a point of keeping his personal and professional life separate and that business stops at the walkway curb of the nursery. Dr. Levitt commented that the Board members did not receive a copy of the plan showing the look and design of the accessory building. Mr. Cummings produced a copy for the Board to view. Mr. Cummings added that it is a built-in-place metal building and he would like to make it as aesthetically pleasing as possible. Mr. Zlotnick labeled the plan Exhibit A-1. Dr. Levitt asked about the size of the building. Mr. Cummings noted that the building needs to be of the proposed size to have a large enough door to move the boat in and out. It needs a clearance of 13 ft. for the door. The boat is a 26-ft. Regulator. Mr. Zlotnick asked about the uses behind the garage. Mr. Cummings said that there are residences on either side of his property and directly behind is his nursery. He added that he notified all of his neighbors of the project and hand delivered notices to those he could. Nobody, including those adjacent, had any objections.

Mr. Anderson asked about the floor type. Mr. Cummings said eventually he would like to have a concrete slab, but for now floor will be a stone bed of crushed gravel. Mr. Chau asked if the building would block anyone's view or be intrusive due to the height. Mr. Cummings said this would not be a problem. Dr. Levitt asked about access to the garage. Mr. Cummings answered that access would be off the existing paver driveway. Dr. Levitt asked what a specific walkway coming off Zion Road was being used for. Mr. Cummings said that walkway leads to the nursery and is used to walk back and forth to work. Mr. Chau referred to the Fire Department's letter and noted that the commercial section would not be applicable. Dr. Levitt agreed and said if the accessory building was to be used for business, another type of variance would be necessary. A use variance would be needed and he would have to come back before the Board. Mr. Cummings said he fully understands the importance of this and he reminded the Board that when he came before the Board for his nursery, he had to subdivide part of his personal property for the nursery driveway.

Mr. Doran commented on his Engineer's report. He said there has been some testimony regarding positive and negative criteria and Mr. Chau helped with that with the questions regarding open space and not blocking the views and sites of his neighbors. Mr. Cummings has the two required parking spots on site, many trees on the property, and there are no curbs and sidewalks on Zion Road.

Dr. Levitt asked that a provision be added to the resolution that the accessory building would not be used for commercial business. He then opened the public session and seeing no one who wished to speak, he closed the public session. There were no further questions from the Board.

Mr. Chau made the motion for the "C" Variances for height and size and to include that the garage would not be used for commercial purposes. Mr. Milone seconded the motion.

The roll call vote was as follows:

Mr. Anderson-yes, Mrs. Dyrek-absent, Mrs. Kintish- yes, Mayor McGee-absent, Sgt. Newman-yes, Mr. Milone-yes, Mr. Notaro-yes, Councilman Chau-yes, Mr. Roegiers-yes, Mr. Rowe-absent, Mr. Scharff-absent, Mr. Shippen-absent, Chairman Levitt-yes. The motion to approve the “C” Variances carries.

The second application was represented by Eric Goldstein, Esq. with the firm of Nehmad Perillo & Davis of Egg Harbor Township. The applicant was Jeffery & Lisa Spector of 4 Haining Place, Block 122, Lot 12.02. Dr. Levitt swore in Jeffrey Spector and Jon Barnhart, Licensed Planner and Engineer, of Atlantic City. Mr. Goldstein addressed the Board and said that the Spector’s are proposing no changes to their property except for a 12 ft. x 24 ft. open frame deck. They will need a “C” Variance as the setback will encroach on the rear of the property due to the irregularly shaped lot.

Mr. Barnhart described the Haining Place subdivision as being half built out at this point. The lot area of Lot 22.02 is just over 8,000 sf. Mr. Barnhart referred to the exhibit showing the lot and said they currently have a sliding glass door and a set of frame steps. They want to create an outdoor area for the deck for open-air enjoyment which is customary in the rear yard and they want to be able to enjoy the outdoors in the warm summer months. They will require a variance due to the location of the house on the lot. The position of the rear wall is on the property line and they want to develop the deck in such a way as to mitigate any potential negatives. The home was already constructed when they purchased it. They intend to preserve both side yards which are in excess of requirements. The right side is twice the requirement and four times on the left side. The one deviation requested is the setback of the principal building where a 25 ft. setback is required and the existing home is 24 ft. With the addition of a 12 ft. by 24 ft. deck, the rear setback requested would be 12 ft. Due to the lay of the land, this is an appropriate request. There is a low hedge along the back fence line and a high stand of trees which provides privacy at the rear and the homes are some distance apart. The Spector’s will not cause a problem to their adjacent neighbors, which is the biggest concern when encroaching on a rear yard setback. This is a hardship variance since the rear wall is on the setback line and any improvement to the rear will require a variance. It is a tasteful project with no negative impact and the deck will be open frame and will allow storm water to pass through. It will not be an enclosed area and it is not a large deck or out of character with the neighborhood.

Dr. Levitt asked for an explanation of the drainage easement. Mr. Barnhart said there is a rear drainage easement consisting of perforated pipe and the proposal is to construct the deck in a fashion as to stay clear of the easement, keep the easement intact, and should the pipe needed maintenance, the deck

would not in the way of any repairs that needed to be made. Mr. Barnhart said the deck is primarily 4 ft. in height, but it goes up to 6 ft. near the end due to the grading. Dr. Levitt commented that the rear grades down fairly steeply and there would not be any flat surface to utilize the ground for barbecuing due to this grade. Mr. Spector commented that his father-in-law is present and he is constructing the deck. Mrs. Kintish asked about the effect of the deck pilings on the easement. Mr. Barnhart said all structures will be clear of the 15 ft. easements and the vertical post pilings will not affect the drainage area.

Mr. Chau asked Mr. Barnhart to describe the foliage and tree area at the rear sloped borderline. Mr. Barnhart described a nice buffer area between the Spector's property and the neighbors as a living green wall which is nice and private. Mr. Chau asked about the nearby lots and how far away they are. Mr. Chau asked about the rear Lots 8, 9, & 10 and how far away the rear property buildings were situated. Mr. Spector said they are at least 100 ft. away. Mr. Chau clarified that the open deck will not be screened in and will not have a roof and he asked about any new additional gas, water or other utility lines. Mr. Spector said they will be using existing electric above the deck.

Dr. Levitt commented that the testimony is that the deck is not a house addition or room. Mr. Barnhart added that the deck is an open frame with vinyl railings. Dr. Levitt opened the public session and seeing that no one wished to speak, he closed the session. Mr. Doran said that being a newer subdivision, the street has curbs, sidewalks, and the required street trees.

Mr. Chau made the motion for the "C" Variance for a rear yard setback and Mr. Notaro seconded the motion.

The roll call vote was as follows:

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

Mr. Goldstein commented about the resolution which won't be adopted until the next meeting in July, and the statutory 45-day appeal rule, but he asked if it would be a problem for Mr. Spector's father-in-law to apply for the permit right away as they would like to enjoy the deck this summer. Mr. Zlotnick said as long as they understand that they are going forward at their own risk. This was understood by all concerned.

Dr. Levitt gave any update concerning the Max Gurwicz development situation. He attended a meeting and said that a letter was sent to the City from Mr. Gurwicz about a COAH litigation pursuit should he not be permitted to develop apartments on the previously proposed site. Dr. Levitt said that the City needs to prepare a COAH plan to meet Northfield's obligations for affordable housing.

There are approximately 120 units necessary to be devoted to affordable housing units with 4 units of credit due to group homes in the city which leaves a balance of 116 units. Rules are still being litigated. There may be a 2 for 1 credit for rental units which could yield a credit of 75 units leaving a shortfall of 41 units which is more manageable. Mrs. Kintish asked if Mr. Gurwicz is required to have a percentage of the apartments as affordable housing. Dr. Levitt said if he pursues affordable housing litigation or if the property was re-zoned he would be required to designate a certain portion to affordable housing. Dr. Levitt stressed that any shortfall units would have to be located elsewhere in the city and there are not many viable sites. The section of town in question is an insulated section at the corner of town and from Cresson Avenue, only the tennis courts and clubhouse would be visible. Mr. Chau added that they are now proposing the development of 325 units. With the original application, the apartments were to be built through variances and Mr. Gurwicz now will not proceed with that. They prefer to have a zoning change as variances are too easy to be tied up in litigation. The Planning Board would have to re-write the zone requirements.

Dr. Levitt said he is at odds with some who are on the side of accepting only senior housing and Mr. Gurwicz will not go for this. The city would be missing an opportunity to fulfill a big part of their COAH obligation and if the outcome is litigation, it could be very costly for the city. Dr. Levitt said it is his opinion that they complete negotiations with Mr. Gurwicz and get to work re-writing the Zoning Ordinance. Mr. Doran said that Council could write the ordinance and give it to the Planning Board for review or request that the Planning Board re-write it and provide the Planning Board with money to fund it. In any case, Council will have to send it to the Board for review to make sure that any changes comply with the Master Plan.

Dr. Levitt asked Mr. Chau to help clarify negotiations as they progress and present possible scenarios suggested by Council back to the Planning Board. Mr. Chau said he will pass that on to Council. Dr. Levitt said he has concerns with density of affordable housing dwelling units per acre. He would like to see the 15 units per acre reduced somewhat, but by reducing the number of COAH units, the city will have to put the units somewhere else in town. Northfield has not complied with any COAH rounds as of yet and the state formulas for determining the number of units are complex. Mr. Zlotnick said from a legal point, the city needs to reasonably modify zoning to allow for this type of development. Dr. Levitt added that we need to maximize available units at a development site such as this. It is something that the city will have to do and it is something that will not be won in court and hundreds of thousands of dollars will be spent. He urged the Board to educate the public about these issues. There is a need to meet the COAH obligation with the least impact possible.

Mr. Roegiers asked if this was in any way a controllable issue. Dr. Levitt said that the area is in the R-C Zone and is not contiguous with single family homes and is located behind a shopping center. There is not another area in town where this situation exists. Mr. Notaro noted that there are only a few adjacent homes on Cresson Avenue. Dr. Levitt said that they will be across the street from a swimming pool and tennis court and the development may create more traffic, but a single family development would also increase traffic. He urged the Board to start talking to friends and neighbors and the need to lower the rhetoric in the city and to make people understand that there is not a lot of choice here. The next meeting on this subject will be June 11th. Dr. Levitt concluded that he doesn't feel the city should push for the lowest COAH numbers possible as it will just pop up somewhere else in town. He didn't feel the city residents should be fearful of this project as it should not have a negative impact, it will be new construction, and will have to be nice enough to attract tenants and provide income for the developers.

There was one resolution to memorialize for Yvonne Johnson who obtained variance approval for parking and site plan waiver to operate a Hair Salon and Barber Shop at 1002 New Road, Block 110, Lots 31, 32 & 33 at the May 1st meeting. Abstentions were Lou Milone, Henry Notaro, Ron Roegiers, and Clem Scharff and the resolution was memorialized by voice vote.

There was one member of the public, Mary Poholsky, of 114 E. Revere Avenue, who wished to address the Board. She had concerns with an Egg Harbor Township development owned by the Gurwicz organization. She felt that the buildings were not cared for and are falling apart. Dr. Levitt said quality is always a concern with development and Mr. Doran added that the building Department in the city does not perform maintenance at development sites. Ms. Poholsky also felt that this proposed development would be taxing on the Police Department and she felt it was not a good idea. Dr. Levitt said he did not agree and felt that these rentals would attract young married couple, recent graduates trying to establish themselves in Northfield, and retired people who want to stay in Northfield, but do not want to maintain a large home at this time in their lives. There is a need and an obligation to provide for this type of housing. He added that what is not helpful is racial or socio-economic reactions and the rhetoric must be lowered. He appreciated Ms. Poholsky's concerns and she noted that she liked seeing the Board working together on issues.

The next meeting will be Thursday, July 10, 2014 as advertised. Chairman Levitt closed the meeting at 7:56 p.m. with a motion from Mr. Milone and seconded by Mr. Roegiers.

Respectfully submitted,

Robin Atlas, Secretary to the Board