

City of Northfield Planning Board
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Minutes: July 10, 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, July 10, 2014 in Council Chambers, City Hall, Northfield, was opened by Chairman Richard Levitt at 7:02 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
Lou Milone
Sgt. Paul Newman
Henry Notaro-absent
Ron Roegiers
Derek Rowe
Clem Scharff-absent
Jim Shippen

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 Michael & Debra Murphy. The property is located at 101 Haviv Drive, Block 1.03, Lot 23 in the R-1 zone. They are requesting "C" Variances to construct a fence around a swimming pool and for total coverage. Mr. Murphy explained that they have installed the pool and currently have a construction fence surrounding it. Mr. Roegiers commented that it is a state law to have a 4 ft. fence around a pool. Mr. Murphy commented that they are allowed to install a 3 ft. fence, but they are requesting a 4 ft. fence within 25 ft. of the property line. They have a drainage easement at the rear of the property which leaves very little room for a patio. He added that they want to construct a see through aluminum fence, identical to their neighbor's fence, and this would not create any sight problems for motorists. Dr. Levitt said that Mr. Doran noted in his report that the

applicants are requesting relief for fence height where the maximum allowable within a 25 ft. setback is 3 ft. and they are proposing 4 ft. and total coverage where 40% is required and 42.2 is existing.

Mr. Murphy continued by stating that they moved into the property last fall and the Zoning Officer said they could not install a concrete patio around the fence, but they could install pavers. It has now been established that the pavers are in the easement area. They have added a French drain to accommodate additional drainage and this drain runs out to the curb on Glenwood Avenue. Mr. Murphy distributed a photograph of the fence. Dr. Levitt commented that the fence is an open design fence and the variances being requested are di minimis for the fence and the 2% for total coverage. Mr. Doran commented that the fence is not in any sight triangle.

Mayor McGee asked what was on the original plan when they applied for the fence permit and Dr. Levitt also questioned how they obtained a permit for the fence. Mrs. Murphy said that Swim-Mor pools obtained the permits and there was a lot of miscommunication between the pool company and the applicants. Mr. Doran agreed there was confusion. He said the construction file shows a 4 ft. fence 25 ft. back, but when obtaining the permits, the installers were told to move the fence and the property owners were not aware.

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

Mr. Milone made the motion for the "C" Variances for fence height of 4 ft. where 3 ft. is allowed and lot coverage of 42.2% where 40% is required. Mr. Shippen seconded the motion.

The roll call vote was as follows:

Mr. Anderson-yes, Mrs. Dyrek-absent, Mrs. Kintish- no vote; arrived at the meeting a little late, Mayor McGee-yes, Sgt. Newman-yes, Mr. Milone-yes, Mr. Notaro-absent, Councilman Chau-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 second application was for Jackpot Properties, LLC for property located at 250 Tilton Road, Block 16.01, Lot 60 in the C-B zone. The applicant is renovating the building to open a new business and is applying for "C" variance relief to upgrade the signage and for a site plan waiver. The applicant's attorney Brian J. Callaghan of Atlantic City and architect, Craig F. Dothe were both present.

Mr. Callaghan began by stating that Mr. Schwartz and his wife Christine purchased the site from the Patroni Family, LP. He described the past three entities which occupied the site as a bar stool store, a tattoo parlor, and a bedding store and they each had their own individual signs and that the new

owner wants to upgrade the signage to one aesthetical sign. Mr. Callaghan introduced Christine Schwartz and both Mr. Dothe and Mrs. Schwartz were sworn in by Chairman Levitt. Mr. Callaghan described Mrs. Schwartz's business history and said she has been in a similar business for 15 years working 5 years each in Egg Harbor City, at Cornerstone in Linwood, and at Kensington Furniture in Northfield. Mr. Dothe described his qualifications for the Board. He is a registered architect in New Jersey and does a lot of work in Ventnor, Longport, and Atlantic City and has done work for the CRDA.

Mr. Callaghan described the exhibits. Exhibit A-1 is a Front Elevation of the site, Exhibit A-2 is a Floor Plan, Exhibit A-3 is a Site Plan, and Exhibit A-4 is an Elevation of Existing conditions and a color version of the front elevations. Mr. Dothe described the previous conditions as a three unit store front. Mrs. Schwartz purchased the building and previously leased next door at Kensington. She contacted Mr. Dothe to come up with an improvement of the existing building so that she can operate a high style furniture store and provide interior design services. Surroundings Furniture will sell nice, high quality furniture. The floor plan shows that they broke through the existing walls to make one large sales floor with a lighting gallery down the center, a warehouse in back, including bathrooms, offices, and an interior design area. In addition, she added natural lighting and a nice front design. Mr. Dothe noted that customers purchase her mind and creativity as well as furniture.

Mr. Dothe discussed Exhibit A-4 which showed signage existing and proposed. The exhibit showed four signs labeled S-1 to S-4. Historically there had been a lot of window signage. There are four official signs. There are three rooftop signs and one window neon sign. All four are non-conforming and total 213 sf. Mr. Dothe continued by discussing the signage. The new signage will be reduced to two signs. One is a wall sign on the building which is acceptable by Ordinance. The sign is 8 ft. x 5 ft. The second sign is part of the roof top sign. He noted that part of the sign is a wall sign because they are extending the front wall which will hold part of the sign. The right side is a roof top sign because the front wall has an indentation. If they kept with the zigzag shape of the wall it would have conformed as a wall sign. The square footage of the two new signs is 205 sf which is 7 sf less than the four non-conforming signs. This project is trying to eliminate as many non-conforming issues as possible. The aesthetics are fighting with the zoning as there are a lot of windows and very little front wall. They need to go above the mansard wall in order to pull together the aesthetics with the available wall space. The front of the building will have large, glass windows, a detailed mansard area, and a landscaped base of planters across the front.

Mr. Dothe next discussed the positive and negative criteria. He referred to Exhibit A-3 which is the site plan. There are two openings for driveway access. There is no striping and the site is concrete from the road to the building. A

vehicle could actually drive right into the current building as there is only a small curb separating the building from the road. The site is a very harsh environment and in the area where customers would park, it is difficult for people to know where to park their cars. Part of the plan is to pull the parking away from the building and add landscaping in front of the building. This is a positive improvement for zoning conformity. They will be providing landscaping consisting of long garden walls, providing lines parking stalls of the proper size, drive aisles, entrances for ingress and egress, and there are currently two handicapped spaces in the front with the entry way between them.

Dr. Levitt asked if there were any sidewalks proposed along the street line. Mr. Dothe said no. Mr. Doran commented that the applicants are requesting a site plan waiver and that they submitted a sign variance plan application and it was not reviewed as a site plan. He added that if they want to present a site plan application they would have to come back before the Board with the appropriate application and proper review and they should not be testifying to drive aisles and sidewalks which are site plan issues. Mayor McGee asked if they are required to submit a site plan. Mr. Doran said not necessarily. If the applicant accepts the site as is, and nothing was changed outside the building, a site plan would not be required. Mr. Zlotnick said the Board needs to review the application before them. Mr. Dothe said they submitted an application for a site plan waiver since they are not going outside the building structure. Dr. Levitt added that the applicant is requesting variances and can attach conditions. Mr. Dothe said they agree with this. Dr. Levitt said there is the site issue of providing asphalt appropriate for a walkway and the concern of parking up to the property line on Tilton Road. Mr. Dothe commented that the property frontage is about 250 ft. Dr. Levitt said there is a problem with grandfathered properties that are non-conforming where there is a pedestrian safety hazard as there is for people trying to walk along Tilton Road. The only time this can be improved upon is when there are applications submitted. He said that the Board would like to revisit the site issues and possibly put conditions on the approval tonight. Mr. Doran said the Board could ask for a site plan. Mr. Zlotnick added perspective and said the Board has total power to deal with the application as presented this evening and can request that the applicant come back for a minor site plan and by virtue of the fact that it is announced tonight; further noticing would not be required. Mr. Dothe noted that the Capaldi-Reynolds building has sidewalks on one side of their property and Kensington, on the other side, which was recently renovated, does not. Dr. Levitt said there is no shoulder on Tilton Road and he would like to see some consistency so that that pedestrians and bicyclists aren't forced to use the business' parking lots for travel. The Capaldi-Reynolds building was originally a bowling alley and when renovated, the sidewalks were a condition. He said that he understands that 250 ft. of sidewalk would be a considerable expense, but there needs to be something such as striping and designation to keep cars from parking near the

street. Dr. Levitt asked when they intend to open. Mr. Schwartz said they anticipate opening August 1st. Dr. Levitt said he did not want to hold up any opening dates, but he feels strongly about this pedestrian safety issue.

Mr. Dothe said there are three issues with the Capaldi-Reynolds's business that they have addressed with them and are working on. The property line runs through some parking spaces belonging to Capaldi-Reynolds and since the landscaping is on the opposite side of the parking spaces, they have to drive onto the Surroundings property to access some of their parking spaces. The second issue is that the Surroundings roof drains onto their property. They are working to mitigate this and if it is not acceptable to Capaldi-Reynolds's, they will hire a drainage engineer. The third issue is the free-standing pole sign, which is non-conforming. They do not intend to change it in any way and Capaldi-Reynolds's is fine with that. But if they should improve the sign in the future, they intend to move the sign back to conform to city regulations. Dr. Levitt noted that a sidewalk area might affect the parking stalls and he is not in favor of parking up to the curb line. He suggested a conditional approval for a minor site plan or amended site plan within a 4-month period. Mr. Dothe asked for 6 months and suggested they could stripe towards the building. Mr. Doran reminded that they should not be dealing with site plan issues tonight, but the Board has every right to ask them to come back. Dr. Levitt asked about what controls the city could enforce to ensure they come back to the Board. Mr. Zlotnick said a Mercantile License is not in the Board's jurisdiction. If testimony is made and there is representation on the record that at they would return to the Board with a site plan within a reasonable amount of time, that should suffice. The Board doesn't want to make the approval conditional because they won't be able to proceed with their project. Dr. Levitt suggested that the variances could be granted which would allow them to go ahead with the signage and allow them to open, but they would have to come back with a site plan. Mr. Zlotnick agreed as long as the record is very clear on this and Mr. Callaghan agreed as well.

Dr. Levitt asked the applicant to discuss the free-standing sign and to describe the materials and the lighting. Mr. Dothe said the wall signs are channel letters on stand ups and are not back lighting and the light source is along the front of the mansard. The free standing sign is not internally lit and there is no LED or changeable message boards. It will remain unchanged. Mayor McGee asked if there was any up lighting on the sign. Mr. Dothe said no and that there is plenty of light available. Dr. Levitt suggested they may want to add a spot light for night lighting, but that could be addressed when they come back before the Board. Mayor McGee asked about the design of the building front and why they didn't design more wall space. Mr. Dothe said there are brick support columns in between the glass window fronts and they wanted to keep the brick which was red and has now been painted grey. They redesigned the area between the roof sign and the windows to get rid of the 1950's look. He also noted that they

are over 100 ft. from the street and a small wall sign would not be visible. Mr. Chau questioned the applicant to make sure there would be no LED or neon and no moving or blinking messages with regards to the wall sign on the right. Mr. Dothe said they will have a carved sign with depth and no illumination, and they will be getting rid of the existing neon sign. There will be no illuminated signage, but they will need to add the address near the door, and the numerical address will not be lit.

Mr. Chau asked if there would be any temporary signs or banners for advertising purposes. Mr. Dothe said no. Dr. Levitt added that the Ordinance allows for grand opening banners for a short period of time.

Dr. Levitt opened the public session. John Scott Abbott of 332 Tilton Road, LLC, Block 16.01, Lot 59 addressed the Board and said the new project is a welcome change. He said they did have concerns about the five parking spaces on the property line of the Reynolds's family business. They have agreed to share the parking spaces which have been there for many years. There will be six spaces lined. They support the idea of giving Surroundings six months to get established and wish them well and hope they make their opening date of August 1st. They are satisfied with the drainage issues and are glad they are not touching the free standing sign. Dr. Levitt added that this application tonight is for signage and all site plan issues will be answered when they come back in six months with the site plan. The Board's Engineer has pointed out that there are site plan issues involving parking, drainage, sidewalks, and cross easements and all will be addressed when they return. Mr. Abbott said they would like to be notified of this and Dr. Levitt asked that they do give notice.

Adio Santori of 105 S. Iroquois Avenue in Margate spoke next. He originally constructed the building and recently sold the property to the Schwartz's. Mr. Santori asked why a site plan was needed. Dr. Levitt commented that the Board can grant the signage variances, but can also attach certain conditions to those variances.

Christine Schwartz commented that they plan to continue living in their home for 20 years and are proud to be operating their business in Northfield. They want to present a classy building and expect to attract upscale clients. Dr. Levitt added that the building has seen its time and times have changed. The improvements are a welcome addition to Northfield, but there are existing pedestrian safety issues.

Mr. Chau made the motion for variance approval for signage as outlined in the Engineer's letter with the condition that the applicant will return within six months with proper notice and at that time site plan issues will be addressed concerning pedestrian safety along Tilton Road and other issues relating to the site plan. Mr. Zlotnick and Mr. Doran clarified that they should apply for both a

minor site plan review and a site plan waiver depending on what was presented. Dr. Levitt said applying for both will give the Board the ability to waive some of the more formal site plan issues if applicable. Mr. Anderson seconded the motion.

The roll call vote was as follows:

Mr. Anderson-no vote as 4th alternate-9 voting members present, Mrs. Dyrek-absent, Mrs. Kintish- yes, Mayor McGee-yes, Sgt. Newman-yes, Mr. Milone-yes, Mr. Notaro-absent, Councilman Chau-yes, Mr. Roegiers-yes, Mr. Rowe-yes, Mr. Scharff-absent, Mr. Shippen-yes, Chairman Levitt-yes. The motion to approve the "C" Variance carries.

The third application was presented by attorney Eric Goldstein of Nehmad, Perillo & Davis in Egg Harbor Township. The applicant was ACCDEV, LLC of Vineland, NJ. Jon Barnhart, Engineer, of Atlantic City, was also present. The application was for three minor subdivisions located at Block 175, Lots 61 & 62, 147 Bonnie Lee Drive and 1 Lido Drive, Block 175, Lot 63, 145 and 143 Bonnie Lee Drive, and Block 175, lot 65, 141 & 139 Bonnie Lee Drive. Dr. Levitt said that the lots are all under common ownership and can be handled as one application. The lots are all located in the R-2 zone and are currently vacant land.

Mr. Goldstein addressed the Board and said ACCDEV, LLC is the contract purchaser of the lots from the new owners of Atlantic City Country Club. They are requesting three subdivisions to create six lots. The first subdivision is currently two lots and Lot 61 is 5 ft. short of frontage. Lot 62 has plenty of footage to spare and by moving the lot line 5 ft. to meet the Ordinance requirements; each lot will be 100% compliant. Mr. Barnhart displayed an aerial detail showing all six proposed lots. Mr. Goldstein continued by saying the other two subdivisions were historically four lots. The Frasers took title and transferred to Atlantic City Country Club, Inc.; Lots 63 & 64 in 2000 and Lots 65 & 66 in 1999. For whatever reason, they consolidated the lots to two lots. Dr. Levitt confirmed that this application is requesting the same identical lot lines as what previously existed when the lots were divided into four lots.

Dr. Levitt swore in Mr. Barnhart. He stated that the land is now deeded into three tracts with Lido Drive between the two lots and the four lots. Currently on the Tax maps, Lots 63, 64, 65, & 66 are shown as four lots, but they have been deed consolidated. Mr. Barnhart basically made an affirmation that these lots do exist. They intend to re-file the plats to make sure that there is no issue. Mr. Goldstein added that they are still listed as two lots, but are on one tax bill each. Mr. Barnhart affirmed that they are seeking minor subdivisions and that all of the lots conform to the Land Use Ordinance and there is no need for any variances. Lots 61 and 62 need the lot line moved. The interior lot was slightly undersized with regard to lot width and they will be creating a conforming lot. The corner lot will remain conforming.

Dr. Levitt commented on Mr. Doran's report and discussed shade trees. They will need to be shown on a plan and those existing will need to be maintained or re-planted. This will not be required until the lots are developed. Mr. Doran suggested that when they file the plan, they can show the trees or provide a sketch for the file at any time. Dr. Levitt reminded that the trees need to be on the house side of the sidewalk. Mr. Doran discussed the Lido Drive curb and sidewalk and Mr. Barnhart noted that it is short. Dr. Levitt said it is a sidewalk to nowhere and trees would have to be removed to add additional sidewalk. He said this would not be necessary. Mr. Zlotnick stated that his resolution will incorporate Mr. Doran's Engineer's Report unless noted otherwise. Mr. Goldstein said the applicant is present and agrees to address any tree issue. Dr. Levitt said curb trees have created issues in the past and they are not encouraged.

Dr. Levitt opened the public session. There was no one who wished to speak and the public session was closed.

Mr. Chau made the motion for Block 175, Lots 61 & 62 to be re-adjusted 5 ft. with Lot 62 gaining 5 ft. from Lot 61 and Block 175, Lots 63 and 64 and Block 175, Lots 65 and 66 be clearly delineated as four separate lots. Mr. Goldstein noted that the three subdivisions need to be clear in the resolution. Mr. Zlotnick assured him that the resolution will be clear that there are three separate subdivisions and there will be no question as to this. Dr. Levitt had an additional question about adequate city water and sewer. Mr. Goldstein said there are adequate hook ups to connect to city services. Mr. Shippen seconded the motion.

The roll call vote was as follows:

Mr. Anderson-no vote as 4th alternate-9 voting members present, Mrs. Dyrek-absent, Mrs. Kintish- yes, Mayor McGee-yes, Sgt. Newman-yes, Mr. Milone-yes, Mr. Notaro-absent, Councilman Chau-yes, Mr. Roegiers-yes, Mr. Rowe-yes, Mr. Scharff-absent, Mr. Shippen-yes, Chairman Levitt-yes. The motion to approve the three Minor Subdivisions carries.

There were two resolutions to memorialize for Robert H. Cummings, Block 1, Lot 12.01, 2615 Zion Road for "C" Variances for height and size of an accessory building and Jeffrey & Lisa Spector, Block 122, Lot 22.02, 4 Haining Place for a "C" Variance for a rear yard setback for a deck. The voice vote was all in favor with Mayor McGee, Jim Shippen, Linda Dyrek, Clem Scharff, and Derek Rowe abstaining.

At 8:14 p.m. the Board entered into Executive session to discuss and update matters to come before the Board. The minutes of the Executive session will be made public at a later date should this be appropriate. No action shall be taken without proper notice.

Respectfully submitted,

Robin Atlas, Secretary to the Board