

**City of Northfield Planning Board**  
**1600 Shore Road**  
**Northfield, New Jersey 08225**  
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**Minutes: January 8, 2015**

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 RE-ORGANIZATION meeting of the Northfield Planning Board, held on Thursday, January 8, 2015 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  
Mayor Erland Chau  
Denise Kintish-absent  
Jim Leeds  
Dr. Richard Levitt  
Lou Milone-absent  
Sgt. Paul Newman  
Henry Notaro-absent  
Councilman Frank Perri  
Ron Roegiers  
Derek Rowe  
Clem Scharff  
Jim Shippen

Matthew Doran, Professional Engineer  
Norman Zlotnick, Solicitor

The meeting was opened at 7:02 p.m. The meeting began with a presentation from the City Solicitor, Kris Facenda, who discussed Ordinance No. 2-2015, An Ordinance Amending The Land Use And Development Ordinance, As Amended, and Amending The City's Zoning Map. Mr. Facenda addressed the Board and said the Ordinance was introduced Tuesday evening, January 6, 2015 at the City Council re-organization meeting. A previous Ordinance change in 2012 increased the minimum lot size for single-family development in the Country Club District from 15,000 sq. ft. to 1 acre. Caesar's Entertainment, the owner at the time, filed suit that this change was unreasonable, and it has been in the courts for two years. Dr. Levitt commented as to the effect of Caesars no longer owning the property. Mr. Facenda said that the lawsuit was transferred to the new owners. The suit was file previous to the sale and the new owners continued to prosecute.

The Ottinger Family purchased the property and it is their desire to keep the property as a golf course. Mr. Facenda said a lot of the lawsuits issues were minimized with transfer of ownership. He spoke with the Country Club's Attorney, Rocco Tedesco, and they were able to work out an agreement as they came back to the City with a reasonable request. On Argo Lane, the affected lots in Block 175 are lots 1.07, 1.08 & 1.09 and they will be designated as R-1. Lots 1.07 & 1.08 have improvements on them and Lot 1.09 is vacant. They will have the R-1 standards of 10,000 sf lots. On Hemsley Place, Lots 3, 4 48.01 and 48.02 will be in the R-1 Zone and Block 175, Lot 6 will be developed in the R-2 Zone. The vacant lot on Hemsley Place in the R-2 Zone can only fit one house and will be developed as R-2 with a lot size of 7,500 sf as that is what currently exists. Dr. Levitt asked about the Hansen property. Mr. Facenda said it is not affected and is currently in the R-1 Zone. He added that they thought it better to include the two properties on Hemsley Place as they already have homes on them, they are under 10,000 sf, and there is no chance of a subdivision. Mr. Facenda said the parties have gone before the Honorable Julio Mendez in Superior Court in Atlantic County on October 28, 2014 and he has determined that this settlement does not violate any laws and he happily endorsed it. Mr. Facenda said City Council is looking for a Determination of Consistency as was done for the Gurwicz matter. Mr. Zlotnick asked if Council had any opinions on the letter. Mr. Facenda said in terms of ending this litigation, and considering where the lots are located and what they are surrounded by, he knows of no impressions from Council that there would be any difficulties. Dr. Levitt added that the Board is always concerned of any overdevelopment of the Country Club Zone and felt these changes are consistent with the surrounding areas and is glad that the zone is being preserved. Mr. Facenda said other than these few pockets; the Board has preserved the rest of the Country Club Zone.

Mr. Zlotnick said that pursuant to N.J.S.A. 40:55-26 of MLUL, the Board will vote to endorse Ordinance 2-2015 finding it consistent with the City's Master Plan. After an affirmative vote, he will prepare the letter and provide copies to Mrs. Canesi, Dr. Levitt, and the Board Secretary.

Mayor Chau and Ms. CuvIELLO arrived and Mayor Chau proceeded with the Oath of Office. The following were sworn in:  
Frank Perri-Council Liaison-Class III  
Sgt. Paul Newman-City Official-Class II  
Jim Leeds-Class IV member  
Tim Anderson-Alternate #4

Denise Kintish will be sworn in at the next regular meeting as Alternate #2.

The re-organization continued with the yearly appointments. Mr. Scharff nominated Dr. Richard Levitt as Chairman for 2015 and Mr. Shippen seconded. All were in favor by voice vote. Mr. Shippen nominated Mr. Scharff to serve as Vice Chairman. Mr. Perri seconded. All were in favor by voice vote. Mr. Shippen made the motion to nominate Robin Atlas as Secretary to the Board and Mr. Scharff seconded. All were in favor by voice vote. Mr. Shippen made the motion to appoint Matt Doran as Planning Board Engineer and Mr. Roegiers seconded. All were in favor by voice vote. The final appointment for 2015 was for Planning Board Solicitor and Mr. Scharff nominated Norman Zlotnick and Mr. Shippen seconded. All were in favor by voice vote. The Board

reviewed the meeting schedule for publication for 2015 and Mr. Scharff made the motion to accept the resolution. Mr. Shippen seconded the motion. The voice vote was all in favor. This concluded the re-organization actions for this year.

Ms. Cuvillo addressed the Board concerning the Housing Element and Fair Share Plan and the state mandated affordable housing within the city. She distributed updated spreadsheets and began by addressing rehab units and group homes which are normally non-profit organizations housing more than one person and she was informed at the last Council meeting that there is one more than previously counted which will allow for more group home credits. With the group home credits and the 40 units considered for the Gurwicz project, the city will have 58 available rental units and will have that percentage of 25% covered.

Ms. Cuvillo addressed next the proposed City owned sites. She began with lots located on Maple Avenue, Burton Avenue, and Jackson and Roosevelt Avenues in the R-1 Zone. The Board had density concerns and Ms. Cuvillo said that one or two homes could be placed on the site. She said the city-owned sites could be donated to Habitat for Humanity and she chose this organization for their great track record with affordable housing, they know how to meet COAH standards, and they provide a great service in that the homeowners help to build the houses. She has worked with them in Galloway Township with much success. There are also two lots on Dolphin Avenue which could be reserved as age restricted sites. Councilman Perri noted that one of the sites may be reserved for maintenance near the County facility. Ms. Cuvillo said that the Habitat designated lots would be donated and the larger lots could be sold. Mr. Perri said that would be up to City Council. Ms. Cuvillo said that the importance right now is that the City must show that it is moving forward. The plan can be amended in the future. Her goal is to find 190 credits with the least impact to the City, but also makes planning sense for a City without a lot of development options. She has addressed concerns from residents from various meetings and has removed certain credit units from the plan. She said we need to formulate the best possible plan. Ms. Cuvillo distributed tax maps for continued discussion of the City-owned properties and worked the numbers on the spreadsheet.

Ms. Cuvillo said the problem we are facing is that we have a very short time frame. We need to have a plan adopted and approved by the Governing Board by January 29<sup>th</sup>. There is another way to obtain credits with a Credits Without Control Survey for homes build between April 1981 and April 1986. Work will have to be done with the Construction Office and CO's will have to be researched and it is not possible to complete this by January 29<sup>th</sup>, but it will be part of the plan that this is being looked into. The survey bases the value of the home, the date constructed, and the income of the homeowner and may produce additional credits. The homeowner would have to be willing to complete the survey. Mr. Leeds suggested there may be more credits available from the state. Ms. Cuvillo said that open space and recreation areas do not provide COAH credits. She reminded also that the 190 unit obligation is from Round 2 which is prior round and is arrived at by a formula. She discussed vacant land adjustments, underutilized properties, and wetlands. Vacant land adjustments can be asked for if there is not enough land to develop and the state will look at underutilized properties. A golf course of 225 acres, which is not owned by its members, is not discounted from a vacant land adjustment. She stated that density does not always discount wetlands on a property. Mr. Perri asked if Birch Grove Park was taken into

consideration. Ms. CuvIELlo said that Birch Grove is deed restricted. Mr. Perri suggested County and State owned property. She said she looked into that and the County property is all deed restricted and cannot be used for housing. Nursing homes are exempt as well as they are not considered permanent housing. Assisted living would be considered permanent housing. Mr. Leeds asked if deed restrictions can be changed. Ms. CuvIELlo said that open space is inventoried within the city and deed restrictions are considered an Act of God and cannot be removed from the ROSI inventory. Lands acquired with NJDEP Green Acre funds must be used for recreation and are known as ROSI (Recreation and Open Space Inventory). Mr. Perri suggested buying land from Egg Harbor Township. Ms. CuvIELlo said that the land would need to be purchased and annexed and become part of the Northfield boundaries. Mr. Perri asked what would happen if the property is not sewer accessible. Ms. CuvIELlo said that if the property is reasonably suitable for development, the City would need to obtain a bond to cover the cost. Mr. Perri said the Country Club zone would have to be changed to accommodate residential development. Ms. CuvIELlo said the area is zoned for a very high density, and no matter how you look at it, housing will have to be developed on the golf course. The Ordinance allows for golf villas and suites and limited single family dwellings. Mr. Doran added that they are tied into the golf course remaining a golf course. Ms. CuvIELlo said the golf course needs to be re-zoned to accommodate some affordable housing, density may have to be increased, and the question is, will they develop it. Mr. Doran suggested age restriction. Ms. CuvIELlo said that would change other areas of the spreadsheet.

Ms. CuvIELlo discussed the Arthur Henry site and the pending application for a major subdivision before the Planning Board. The site is currently R-1. The zoning is appropriate for senior housing and is the easiest choice, but since they have filed an application for a major subdivision, the Fair Share plan may have to be amended in the future considering possible outcomes. Ms. CuvIELlo suggested keeping it in the present plan for now. Mr. Perri discussed the Library site and the parking area. He said there is a section of land that was to be considered for additional parking and the city considered swapping land with Arthur Henry to provide the needed parking. Mr. Zlotnick said Arthur Henry may have submitted this application for strategic purposes and it might be advantageous to meet with them. Mr. Perri also had concerns that the large structures currently existing on the property would take away from the density. Ms. CuvIELlo said the plan was formulated assuming that the land would be cleared of these dilapidated structures.

Mr. Leeds asked about the school property on Oak Avenue and another located on Burton Avenue. Mr. Zlotnick said the question is whether or not it would qualify. They are both working school sites at this time. Ms. CuvIELlo said she focused on vacant and under-utilized properties. Mr. Shippen asked if there is time to shift gears even though the plan is imperfect in some of its facets. We have to get the plan to the courts. Ms. CuvIELlo said she could look into the Oak Avenue site.

Ms. CuvIELlo suggested looking at the golf course and the timeline. Dr. Levitt commented that there is an area to the left of the main drive that is not part of the historic golf course and there are country club owned areas along Shore Road. It was discussed whether it could be zoned for affordable housing by sections. Ms. CuvIELlo said it is zoned affordable by density and density would have to be increased with development such as that of the proposed Gurwicz site to accommodate 400 units

without losing the golf course. Mr. Scharff commented that the Gurwicz site is almost twice the size in terms of density. Mr. Perri commented that in other areas of the state and country, there are homes and townhouses lining the golf course fairways and greens.

Ms. CuvIELLO discussed the table further and said she removed the driving range on Tilton Road from the calculations and played with the numbers after the last meeting. Dr. Levitt and Mr. Perri agreed that they would rather see homes on the driving range area rather than the golf course. Ms. CuvIELLO said that would only allot 30 units and only 6 would be for affordable housing. Mr. Perri commented that it is a different zone and the homes could be multi-level. Ms. CuvIELLO said if 30 units were designated for the Tilton Road driving range, it would not significantly affect the golf course numbers. She said that 130 units would still be needed in the Country Club zone with 30 on the driving range, and in addition, a few units on Mill Road at the Caring site, behind Dunkin Donuts and the school. The Board felt she should do it. Mr. Leeds asked about the Yale School on Burton Avenue near Network. Ms. CuvIELLO said that is an operational school. She said you can only consider sites that are not likely to remain as they are now such as the Arthur Henry site. Mr. Perri asked about the approved commercial site on at Burton and Tilton which has not been developed. Ms. CuvIELLO said that is the Network 1000 site on the spreadsheet. She said it would allow for 20 units with 4 affordable housing units and she did not want to interfere with commercial ratables on Tilton Road if it could be avoided. The task is not an easy one. Dr. Levitt mentioned that initially we were discussing 116 units and he asked if there was any way to go back to that number. Ms. CuvIELLO said no and that number was under the proposed COAH regulations they decided not to adopt. Fair Share Housing filed a lawsuit and will proposed looking at each town on a case by case basis. We are now at 190 and if the number is increased, the city would do vacant land adjustments. Mr. Zlotnick said the courts will compromise to break a deadlock.

Ms. CuvIELLO said the plan can always be amended later as it is a moving document. The timeline is as such, there will be a public hearing before January 28<sup>th</sup> and the Housing Element Plan will be adopted. It will then go before the Governing Board for endorsement and then on to the court. After the plan is approved by the court or COAH, we will have 90 days to implement the zoning after the court approval. There is no way to know how long that approval will eventually take. It is possible the plan will have to be amended. Mr. Zlotnick added a fairness hearing will occur, most likely before Judge Johnson and anyone from the public may attend and voice their opinion or object. The judge will determine if the plan is fair and compliant. Dr. Levitt asked if the number could be reduced at that time. Ms. CuvIELLO and Mr. Zlotnick agreed that they could not reduce the obligation and must work within the current parameters.

Dr. Levitt said the idea of allowing golf suites and villas was contingent on keeping the golf course should these be developed. He asked if it was possible to deed restrict the golf course if housing was developed. Ms. CuvIELLO said she would need to speak to Mr. Doran about this. She said it has to be feasible. Mr. Doran said land was set aside for the villas. Mr. Perri asked about changing the numbers in the plan. Ms. CuvIELLO said the document will contain language with the rights to amend throughout. COAH regulations are a moving target and so is this plan. Mr. Zlotnick said the COAH regulations can affect certain Planning Board applications, they will be getting market

rate housing, and densities may be constituted which they would not otherwise obtain. The outcome may not necessarily be objectionable. Mr. Doran added that the economy is in such a depressed state that there are few who would even consider building 400 to 500 units in these times. Mr. Zlotnick said it has been his experience that not one project has been built to implement COAH and affordable housing since the late 1990's and the economy is in a worse state now. No matter what is indicated in the plan, the market will dictate how things go. Mr. Scharff indicated that this is going against our light, air, and Master Plan densities. Mr. Zlotnick said that is the nature of this animal called COAH. He added that COAH was deadlocked at 3 to 3 which would have given Northfield a 116 affordable unit requirement if passed. It is possible that they could revert back to that number in the future. Ms. CuvIELLO said she will look at the Oak Avenue school possibility and at preserving the golf course. She needs to have the plan ready to be delivered to City Hall so that they are mailed to Atlantic County Planning and the surrounding City Clerks. She plans to meet with Mr. Doran as well.

The Board determined that the best evening for the Special Meeting would be Thursday, January 22, 2015 at 7:00 p.m.

Ms. CuvIELLO summarized by saying that she will keep the Arthur Henry site as it is in the plan and will consider reducing the Country Club numbers by possibly adding the Oak Avenue School. The Country Club zone was discussed further. Dr. Levitt said that the Country Club zone should be developed as concentrated as possible. That was why development was changed to one acre lots. We don't need affordable single family housing units there and the Board agreed. Villas and townhouses would not impact the golf course and clubhouse as single family homes would. Ms. CuvIELLO asked the Board to contact her this weekend with any issues or questions. She plans to have the plan completed and delivered to City Hall by Monday and noted that the City should be protected for ten years with the COAH rules as they are today.

Mr. Perri and Sgt. Newman discussed the possibility of including an electric company substation located on Wabash Avenue between Merritt and Shepherd Drives. Ms. CuvIELLO said she will look into that. Mr. Perri mentioned a city-owned lot near the water company substation off Mill Road.

Dr. Levitt closed the meeting at 9:03 p.m. with a motion from Mr. Scharff and a second from Mr. Shippen.

Respectfully submitted,

Robin Atlas, Secretary to the Board