

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

Minutes: April 2, 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.

This REGULAR meeting of the Northfield Planning Board, held on Thursday, April 2, 2015 in Council Chambers, City Hall, Northfield, was opened by Chairman Richard Levitt at 6:58 p.m. and the following members were present or absent as noted:

Timothy Anderson-absent
Mark Bruno-absent
Mayor Erland Chau
Jim Leeds
Dr. Richard Levitt
Lou Milone-absent
Chief Paul Newman
Henry Notaro
Councilman Frank Perri
Ron Roegiers-absent
Derek Rowe-absent
Clem Scharff
Jim Shippen

Matthew Doran, Professional Engineer
Norman Zlotnick, Solicitor

There was one application on the agenda from Bandi Property Group, LLC, Block 108, Lots 11, 12, 25, 26 & 27, at the location of 1202 Tilton Road in the C-B zone. The attorney representing the applicant was Eric Goldstein of Nehmad, Perillo & Davis in Egg Harbor Township. The application was for a "C" variance for parking and a minor site plan.

Dr. Levitt swore in William P. McManus of Duffy, Dolce, McManus & Roesch of Galloway Township and Michael Burns, one of the principal purchasers of the site. The other principal, Brian Isen was also present, but was not sworn in. Mr. Goldstein stated that the property is currently in foreclosure and the property taxes have not been paid in quite some time. The site was originally the Sugar Pine Workshop and has been operating as Finishing Touch since its purchase in 2005. Tonight's application is the precursor to Mr. Burns and Mr. Isen taking title to the property. It is the intent of the new owners to improve the building with professional offices.

Mr. McManus addressed the Board and stated that he is a licensed surveyor and planner with the Duffy, Dolce, McManus & Roesch firm and the Board has previously accepted his credentials as an expert. Mr. McManus described the site and surroundings. The site is bordered by Tilton Road and Davis Avenue and there are single family homes to the north and south, Rita's Water Ice to the northwest, and a medical complex to the south. The property is irregularly and unusually shaped which contributes to the need for a variance as will be described later. He presented Exhibit A-1 which is the cover sheet of the plan and Exhibit A-2 which is a mounted site plan and part of the original package. The land is 19,000 sf and includes a building consisting of a 4,500 sf first floor and a 1,000 sf ft. second floor. There are eleven parking spaces at the rear of the property on Davis Avenue and they are proposing no improvements there. There is a handicapped space there as well. The minimal parking improvements will be at the Tilton Road side. They plan to remove a shed in the rear allowing for three parking spaces in a stoned area. One will be located in the area of an existing garage and the other two will have wheel stops. The trash bin will be enclosed. They will modify the front of the building to allow for handicapped accessibility.

Mr. McManus discussed the parking and said by Ordinance, they need one space per 200 sf and they will need a total of 23 spaces. Currently there are 16 spaces which have been there for decades and they will increase the number of stalls to 18. They still need a variance. Dr. Levitt mentioned that the formula he referred to is for non-medical use parking number determinations and the formula for medical use would be one space per 150 sf. This would rule out any future medical use with this number of spaces. Mr. Goldstein said they understand that and said they will prove the benefits outweigh any detriments.

Mr. McManus continued by saying that they are improving the parking situation with the addition of two spaces and are improving a site located in a confined and constrained area. They will be adding a handicapped space up front and enclosing the trash receptacle. With respect to the variance itself, this is a classic C1 variance and there are exceptional characteristics to the land itself to describe this as a hardship variance. There is 100 sf of frontage on Tilton Road, but it is a hard angle and there is a notch at the back of the property which makes this site both extraordinary and unusual. The lot is also exceptionally narrow and based on the shape and size of the lot, it warrants a variance.

Dr. Levitt suggested to the attorney that a narrative to be attached to future applications so that the Board can know exactly what is being applied for. Dr. Levitt asked about the trees. Mr. McManus said that no trees will be added. Mr. Perri discussed two pre-existing easements. Mr. Goldstein said there is some question as to whether they were personal easements and if they have been extinguished or are extinguishable, but they are not proposing any changes to these areas. Mr. Perri said he would like to see language to this affect in the new deeds since the easements for Rita's Water Ice is critical and would trap traffic on Davis Avenue and the other easement would lock in the parking lot. Mr. Goldstein agreed that it would be agreeable as a condition. Mr. Goldstein added that the owner of Rita's wanted to be in attendance tonight to testify and submitted a letter which he understands is not admissible, but Mr. Jerome DiPentino is in full agreement with the project. Dr. Levitt said the existing easement is for access to Block 108, Lot 6.

Dr. Levitt asked Mr. Goldstein if the applicant knows what kind of uses would be considered for the site. Mr. Burns said that Bandi is an investment real estate company currently renting space in Northfield. They have been looking for a business site such as this. They will occupy 2,000 sf themselves for office use. He plans to operate his business with his wife and Mr. Isen and share an office with Herman Zell along with three staff members, Monday to Friday between the hours of 9:00 a.m. to 5:00 p.m. There will be 6 to 7 employees in total. They intend to occupy the front office and the 2nd floor and possibly add another office or retail use. It will be all professional uses with little use on weekends and they intend no restaurant uses.

Mayor Chau asked about signage. Mr. Burns said they will use existing signage, but will update and spruce it up. The Mayor asked for more details. Mr. Burns said they will make the signs more current looking as well as more traditional and the signs will conform. Mayor Chau asked if they would be using any digital signs. Mr. Burns said no, they will only be using backlighting and they are not happy with the existing up lighting. There will be no LED signage.

Chief Newman asked the applicant to address #7 of the waiver section in Mr. Doran's report. The waiver would allow a vehicle to back onto any portion of a right-of-way which is not allowed. The Chief had concerns about backing onto Tilton Road. Mr. Goldstein said that Mr. McManus has spoken to Atlantic County and they said it is not an issue because they are not impacting the right-of-way. He said cars do not have to back onto Tilton Road and Dr. Levitt noted that there are spots in the back that will allow for a "K" turn.

Mr. Doran addressed his report and said the parking in the rear is very tight and he suggested using this area for employee parking and he recommended the area be signed for such. Mr. Burns agreed. Mr. Doran asked that the lighting used for the parking area be properly shielded as to not affect the residential neighbors. He noted that there is no fencing being shown around the dumpster and it is a requirement on three sides. Mr. Doran said it might be better to use wheel stops so the fence isn't knocked down. Mr. McManus agreed and said wheel stops would define the area better and keep cars from backing into the fence. Dr. Levitt noted that there is little room for additional landscaping. They will need a waiver for this as there is no room for the 5 ft. of landscaping and the 5 ft. fence as required by Ordinance. Mr. Doran addressed the rear area and said if they plan to do any grading to make sure any water runoff gets out to where it needs to go and doesn't flood any neighboring properties. Mr. McManus said they suspected this to be a condition of approval and will submit a plan showing spot elevations to Mr. Doran especially for the area where the handicapped ramp will be developed. Mr. Doran spoke about the fence and stoned area along Lot 13. Mr. McManus said the fence actually belongs to the neighbors and some of their stone has spilled over onto their property and they would remove the extra stone if desired. Mr. Doran noted that the eight waivers listed in his report should be granted as they simply cannot meet the requirements. All are associated with the parking design criteria and all are existing. The waivers listed are:

1. Parking shall not be located within 50 ft. of a residential zone; 3 ft. is proposed
2. Parking shall not be located within 20 ft. of a street line; 9 ft. is existing and 9 ft. is proposed along Tilton Road
3. Parking areas are to be paved with asphalt or concrete; crushed stone is proposed for the rear three spaces

4. Parking is required to be constructed using concrete curbing
5. Parking is required to be buffered
6. No parking shall be allowed within 20 ft. of the outer wall of the building
7. No parking shall be located to require a vehicle to back onto any portion of a right-of-way
8. A 25 ft. access isle is required where parking enters and exists. Presently 19.7 ft. exists.

Chief Newman asked about the parking spaces in front. Mr. McManus stated that there are three regular spaces and one handicapped space.

Mr. Shippen asked how the Board can be assured that the lessee renting the additional space will not come in with a high intensity business that will affect the ingress and egress. Dr. Levitt asked the applicants to screen tenants and to not allow parking spillage into the streets and surrounding neighborhoods. He added that the type of business they have described is not of an intense nature. Mr. Goldstein said they are not anticipating a problem.

Dr. Levitt opened the public session. There was one person present earlier, but she left. Seeing no one who wished to speak, he closed the public session.

Dr. Levitt asked for a motion and Mr. Zlotnick stated that the motion will include the variances and waivers set forth in the engineer's report. Mr. Scharff made the motion for minor site plan, a "C" variance for parking where 23 spaces is required, 16 spaces is existing, and 18 spaces are proposed, all waivers listed in the engineer's report, glare shields for lighting, a waiver of dumpster screening, rear parking designated as employee parking, and the drainage plan to be submitted and approved by Mr. Doran. Mr. Leeds seconded the motion.

The roll call vote was as follows:

Mr. Anderson-absent, Mr. Bruno-absent, Mayor Chau-yes, Mr. Leeds-yes, Chief Newman-yes, Mr. Milone-absent, Mr. Notaro-yes, Councilman Perri-yes, Mr. Roegiers-absent, Mr. Rowe-absent, Mr. Scharff-yes, Mr. Shippen-yes, Chairman Levitt-yes. The motion to approve the parking variance and waivers carries.

Mr. Goldstein had questions about the availability of the resolution for their closing and was told it would be memorialized at the next meeting. Mr. Zlotnick asked when the taxes and sewer would be paid and was told they will be paid by the seller from the proceeds of the sale.

Councilman Perri addressed the Board with a courtesy presentation for future development at Veteran's Park on Oak Avenue. He distributed a grading and improvement plan to the Board members. The City needs to apply for a CAFRA permit for the property that once contained the Off Orchards and is now set aside as passive open space to honor our Veterans. Future development will bring trails, monuments, and plaques. There will be no structure at the site. Dr. Levitt asked about landscaping. Mr. Perri said absolutely. They will be grading the site for movement in the direction of planting flowers and low lying plantings. The asphalt area is already there for parking

and they are back peddling into the CAFRA permit which they are now applying for. The City is open for any recommendations from the Board and CAFRA approval is a requirement even without the addition of any structures. Mr. Perri said they are providing for drainage and swales and curbs will have to be moved. Mr. Shippen thanked Mr. Perri for his involvement with this and for those making it happen. Mr. Perri said it is nice to be a part of it and for it to continue to move forward. He said donations are welcome. Dr. Levitt said this type of presentation has come before the Board in the past from different government agencies and higher authorities and there are no approvals necessary, but the courtesy and information is appreciated.

There were two resolutions to memorialize from the last meeting. They were for Cellco Partnership-Verizon Wireless, Block 78, Lot 14 at 2605 Shore Road, for "D" variances and "C" bulk variances to construct a telecommunications pole and Mason Properties, LLC, Block 92, Lots 25,28,29,33 & 34 at 1825 Wabash Avenue, for Preliminary Major Subdivision approval for 19 single-family lots. Abstentions were Tim Anderson, Henry Notaro, & Clem Scharff. The resolutions were voted on separately by voice vote and approved.

Mr. Scharff discussed and submitted a copy of the proposed amendment to the sign ordinance concerning LED lighting and the research he has compiled. He has been working with Mayor Chau on this. The additions effect sections D, E, and F of Ordinance 215-113 L4c and pertains to luminance measurements, logos, and dissolves or cuts in reference to animation.

Mr. Scharff operates LED signs at his job and he told the Board that nits or candelas per square meter are measurements of brightness or luminosity. He said signage near roads should be limited to 50 nits or units which are about the brightness of the clock face on the corner of Tilton Road and the bike path. If a sign is too bright it can distort or blow out your vision in rainy weather. He proposed an Ordinance amendment using code language. Dr. Levitt asked about daytime brightness. Mr. Scharff said daytime brightness can go up to 5000 nits which would be equal to the billboard type signs on the Expressway. Most signs have timers that are dimmed. Mr. Scharff said a problem with outdoor signs that are too bright is that they are washed out when sunlight hits them and they burn out quickly. Dr. Levitt noted that Mr. Scharff proposed permitted dissolves and cuts. Dissolves fade to black and become another image and cuts change form from one thing to another. State law dictates changes can be no less than 8 seconds per change. Dr. Levitt asked about the device necessary to measure luminosity so that the Ordinance can be enforced. Mr. Scharff said they are light meter calibration devices and are fairly inexpensive and run about \$200. Dr. Levitt asked Mr. Doran to review sample Ordinances. Dr. Levitt said that the Board is not an expert in the measurement criteria area and he thanked Mr. Scharff for the information. Mr. Shippen asked how Ordinance changes would affect the status of existing LED signs. Dr. Levitt said the existing signs were built subject to variances and not all have abided by the current Ordinance. There are four LED signs currently in Northfield; Bootleggers, Tilton

Market, Jersey Shore Credit Union, and One Stop Car Audio and they are not grandfathered signs. Mayor Chau expressed concerns about current signs which are working and have not been exactly enforced as movement can be difficult to measure and there are also interpretation issues with regards to square footage of signs. Mayor Chau said that animation and graphics are expanding with the current technology available and signs are capable of all kinds of things such as holiday displays. He suggested that the Ordinance increase the number of colors allowed due to technology. Dr. Levitt said the biggest concerns are brightness and distraction. Mr. Scharff said this all came about from the Capaldi sign on Tilton Road. The sign is exceptionally bright and if they turned it down, it would last longer. It is a simple programming thing. Mayor Chau added that sign technology will continue to grow and who can say what it will be like in 10 years and this brings other factors to consider. Mr. Scharff said signs can go full video on any of the signs now. Dr. Levitt said the signs must conform to the basic regulations of the sign Ordinance as well. Mayor Chau said that is one of the issues and one of the reasons the LED signs cannot conform. The language was written for neon signs and this makes square footage interpretation difficult as well as enforceability. Dr. Levitt asked Mr. Doran to look into the language. Streamer LED signs may pose a problem and he expects the LED signs to continue. He doesn't want to see the likes of a Las Vegas strip with signs competing for attention. Mr. Doran added that in order for the Ordinance to be enforced, it needs to be strictly defined. Mr. Zlotnick added that this kind of regulation can be enforced for both existing and future signage. Dr. Levitt said the Credit Union is conforming, but the others are questionable. Mr. Doran said it is the retail mentality that believes you draw people to the business from the signage. Once you know where the business is, the signage isn't as important. Dr. Levitt added that to get into sign wars doesn't do the rest of the community any good.

Mr. Leeds asked about the status of outdoor seating and Mr. Perri said it is still be looked into and is ongoing. It may become available for specific zones and patron safety will be addressed.

There was no other business and Dr. Levitt closed the meeting at 7:58 p.m. with a motion from Mr. Shippen and a second from Mr. Perri.

Respectfully submitted,

Robin Atlas, Secretary to the Board