

City of Northfield Planning Board
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Minutes: October 1, 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, October 1, 2015 in Council Chambers, City Hall, Northfield, was opened by Chairman Richard Levitt at 7:03 p.m. and the following members were present or absent as noted:

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

Matthew Doran, Professional Engineer
Norman Zlotnick, Solicitor-Mark Stein, Esq.- filled in for Mr. Zlotnick

The first application of the evening was from Jaime Epstein who presented her application along with her husband Warren. Her architect was supposed to attend the meeting, but had to go out of town. The residential address is 113 Mt. Vernon Avenue, Block 120, Lot 2 in the R-2 zone. They are requesting a "C" variance. Mrs. Epstein said they appeared before the Board about two years ago for an addition to accommodate her mother moving in. The application was approved. They started the project that summer, but health issues held up the construction. She spoke with her architect and began considering other matters. They came up

with an affordable idea to add bedrooms on top of the new approved area to give her children more space.

Dr. Levitt asked about the footprint and Mrs. Epstein said it is the same as the previous approval. They simply need a variance for the second story addition which is proposed to be 837 sf. Mrs. Epstein showed the Board the architectural rendition which showed the home both before and after the construction. Exhibit A-2 showed the home looking from the top floor down. Dr. Levitt asked if they presently have a second floor. Mrs. Epstein said they have a small attic space with knee walls which her daughter used as a bedroom. She has outgrown the space and her two other children share a bedroom. They are hoping for approval to have more space for the family. Mr. Roegiers asked to view her plan up close. The Board discussed the height which was originally 17.83 ft. for the one story and it is at 26.67 ft. and 28 ft. from a different dimension including the second story. Both figures conform.

Dr. Levitt opened the public session and seeing no one who wished to speak, he closed the public session. Dr. Levitt asked for questions from the Board members. Mayor Chau asked if there would be any outside entrances to get to the second floor other than the main entrance. Mrs. Epstein answered no and said there are stairs leading to the attic space, but they would be punched out. She added that there would be no cooking facilities and they would be adding one bathroom. Mr. Doran agreed with the testimony and said they plan to construct as previously approved for except they will be expanding to two stories. Dr. Levitt said the pros and cons were heard at the previous hearing.

Mr. Scharff made the motion for "C" Variance relief for a side yard setback of 8 ft. where 15 ft. is allowed in order to construct a second story addition to this single-family dwelling in the same place previously approved. Mr. Shippen seconded the motion.

The roll call vote was as follows:

Mr. Anderson-absent, Mr. Bruno- No vote as 2nd alternate member; more than nine voting members present, Mayor Chau-yes, Mr. Leeds-yes, Chief Newman-yes, Mr. Milone-yes, Mr. Notaro-absent, Councilman Perri-yes, Mr. Roegiers-yes, Mr. Rowe- No vote as 3rd alternate member; more than nine voting members

present, Mr. Scharff-yes, Mr. Shippen-yes, Chairman Levitt-yes. The motion to approve the variance carries.

The second application for this evening was presented by Mr. Sal Perillo, an attorney with the firm Nehmad Perillo & Davis of Egg Harbor Township. The applicant is Advanced Building Associates, LLC, Block 46/14, 15 & 16 located at 1021 New Road in the O-PB zone. The application is for the removal of two conditions of approval, "C" variances for parking, and a medical use to a mixed office use.

Mr. Perillo stated that the applicant first received approval in August 2006 for a major site plan and height variance and in 2007, was approved for an amended site plan. Dr. Levitt swore in Randal C. Barranger, Traffic Engineer, and Dr. Ali Daneshvar, the owner of the property. Mr. Stein swore in Matt Doran as the Board's Engineer as well.

Mr. Perillo began by saying the world has changed since 2006. Dr. Daneshvar had planned to lease the balance of his property out to different doctor's offices. Dr. Daneshvar uses the lab portion of the building for his practice. He uses a courier to deliver samples and has a total of four employees working two at a time. The original application looked at the parking as a total medical building. He said that the building is beautiful inside and out. There is a generous lobby that works into a two-story atrium. This includes 1500 sf of free space that doesn't generate parking. He continued by saying that the doctor has had difficulty renting space in the building. He currently has a stockbroker renting a small space which generates no traffic and has one other doctor, Dr. Nachtigall, but he is leaving. The building does not sit directly on Route 9. Many doctors today find it difficult to practice on their own due to restrictions and changes. Even Dr. Daneshvar's wife is no longer operating her practice in the building. Also, the economy is a factor. Their plan is to lease the second floor to a vein clinic and move the lab to the basement.

Mr. Perillo said that a condition of prior approval is that if the complexion of the building occupancy changes or there are any other changes, they must come back before the Board. For the parking variance, they need a variance for 6 spaces as they have 48 available spaces and would need 54 spaces according to the parking analysis. The variance for 3 parking spaces is due to the change in the lab use to a

medical office use. The other 3 spaces are generated due to the lab moving to the basement, but in reality, the lab doesn't generate any parking demand, so they really only need the variance for 3 parking spaces.

Mr. Randal Barranger was introduced and he is a Traffic Engineer, licensed in NJ with 16 years of traffic experience. He discussed the analysis with the addition of the vein clinic. He discussed the ITE standard based on studies across the country in order to promulgate recommendations. In applying the ITE standard, medical and dental offices have higher parking generation. They used 1 space for 150 sf for 1000 sf of floor area. Northfield's Ordinance is 50% more than the ITE standard. Dr. Levitt asked if all types of medical uses are used by the ITE standard. Mr. Barranger said to the best of his knowledge, no. Dr. Levitt said we really need to look at the type of use. The 150 sf standard was modified a few years back when overflow parking occurred.

Mr. Barranger said they next looked at actual numbers and used Penn Medicine-Valley Forge in PA, a mixed medical facility including a laboratory which includes a number of clinical services and treatments that require patient visits significantly longer than a typical doctor's office and requires larger space for equipment than is common. They used 1.998 spaces per 1000 sf of area. They determined that the Penn Medicine site used a third less than the Northfield requirement. Next they looked at the actual Advanced Building site and parking volume using peak hours between 9:00 a.m. and noon and there was never more than 10 spaces occupied on site. They more than met the parking demand. Mr. Barranger continued by stating that they looked at total gross floor area including unused tenant space in the atrium area. The atrium total is 1389 sf and the lab on the second floor for the proposed vein clinic is 1321 sf. He said if they took out the atrium space, it would decrease the number of parking spaces necessary by Ordinance.

Mr. Perillo asked about any detrimental impacts. Mr. Barranger said there are none. He believes the 48 existing spaces are sufficient for the use. Dr. Levitt asked if they are proposing to limit the basement to the pathology lab and storage. Mr. Barranger said yes and that there would be no additional medical use.

Dr. Daneshvar offered testimony. He was asked to describe any problems that have arisen since the 2006 approval. Dr. Daneshvar said the building was designed for

all medical use and at present, much of it is vacant. Many medical offices are closing. He has found an opportunity to lease space to the vein clinic and this would mean a great deal. His wife currently works as an internal medical doctor with a larger company, Betty Bacharach, and Dr. Nachtigall will vacate at the end of the month. There is 750 sf of space on the second floor which is occupied by an investment agency and he rarely sees anyone associated with that business. There is also a marketing firm, Sands Bethlehem, which operates on the first floor. They have no clients who visit the site since there are seen off-site and there are only 3 to 4 employees. This occupation of the building has gone on for several years. Dr. Daneshvar himself has two technicians starting at 5:00 a.m. who work until 9:30 a.m. or 10:30 a.m. and two other assistants working 30 hours per week. He also has one part-time manager and no patients. Dr. Levitt asked about the driveway and the box truck parked there. The doctor says it belongs to him and he has no loading dock. The truck is for picking up supplies for the business and is strictly for business use. The space where the truck is was not figured into the parking equation and can be used for parking. Dr. Levitt asked about storage and if there was a garage. Dr. Daneshvar said he does have a garage and the space in front of it can allow for three additional parking spaces if needed. This area also was not figured into the parking analysis. Dr. Levitt asked if this area could be designated as employee parking. The Doctor said it could if necessary. He added that he has not seen his parking lot more than one-third full.

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

Mayor Chau asked about future expansion. Dr. Daneshvar said he could not expand due to insurance reasons. He wanted to have two additional pathologists to operate in the building and his insurance company would not allow it. His expansion is restricted and he is interested in retiring in a few years and does not want to expand. Mayor Chau asked what his intention was should his tenants leave. He answered that he will rent the space to someone else.

Mr. Doran noted that in the 2008 approval, there was a condition for the basement to be storage only. He said that he used all medical use in his calculations and if the use is revised they will need a variance. They are intending to revise a previous condition of approval by moving the lab to the basement. Mr. Doran also said that

the Board needs to specify if they would allow an all medical use. Mr. Perillo said a mixed office use would lower the parking ratio. He asked that there be flexibility to be all medical if circumstances changed. Dr. Levitt said if the building is all medical, they are only short 6 spaces, are close to conforming, and can use the box truck and garage areas for additional parking. Dr. Levitt also said that the site is isolated and the lot is the only parking available in that area. The isolation will prevent overflow parking.

Mr. Scharff made the motion for the parking variance for non-conforming parking and also the revision of the 2008 condition to permit the laboratory to be moved to the basement which will be permitted to be used as a lab and for storage. Mr. Scharff questioned the full medical use. Mr. Doran clarified that the building was originally approved for all medical and they will not be changing that. The building can be all medical and is permitted to be non-medical as well. Mr. Shippen seconded the motion.

The roll call vote was as follows:

Mr. Anderson-absent, Mr. Bruno- No vote as 2nd alternate member; more than nine voting members present, Mayor Chau-yes, Mr. Leeds-yes, Chief Newman-yes, Mr. Milone-yes, Mr. Notaro-absent, Councilman Perri-yes, Mr. Roegiers-yes, Mr. Rowe- No vote as 3rd alternate member; more than nine voting members present, Mr. Scharff-yes, Mr. Shippen-yes, Chairman Levitt-yes. The motion to approve the variance and change of condition carries.

There was one resolution to memorialize for Spudsy Properties, LLC, Block 49, Lots 11-18, Block 50, Lots 11 & 12 at 509 & 518 New Road and 601 New Road. The approval was for Preliminary and Final Site Plan approval with a Use Variance and Bulk Variances. Abstentions for the resolution vote were Mark Bruno, Chief Paul Newman, and Derek Rowe. Brian Livesy of 549 Chestnut Avenue asked to address the Board. He said he is still in opposition to the plans and cannot see that any good will come of the project. He asked Chief Newman about the legality of forklifts crossing a public street. Dr. Levitt said the resolution will have modifications to make the language more clear. Chief Newman said he did some research and there is NJ Statute 39 relating to equipment crossing a public road. The business owner would need to get a registration with public transportation. It is treated like farm equipment and would be a permit to travel on

a public road. Dr. Levitt said it is a city issue and it sounds like they would need a registration permit. Mr. Livesey said the state statute regulation also says that forklifts cannot be loaded. Mr. Livesey said if it's not loaded, what is the point of it? Dr. Levitt said it is a city enforcement issue. He added that this Board handles site plans and subdivisions and has no control over what happens in the city streets.

Dr. Levitt discussed revisions and corrections to the resolution with the Board. The Board will vote on the resolution as revised, the revised resolution will be corrected by Mr. Stein and will be emailed to all the Board members for review. If there are any objections to the revised resolution in print, it will be re-read at the next meeting. Mayor Chau asked for clarification concerning the diesel idling issue and stated that it cannot be left to interpretation and needs to be airtight. Dr. Levitt said the Board had a hearing and cannot change what was decided. There is to be no prolonged idling. Mr. Stein conferred that if the idling is continuing long enough for the police to get there, that is an idling violation. Once the truck is parked, they need to shut it off. Dr. Levitt said he understood the concerns. Mr. Lively spoke and said he heard a truck running for 18 hours the other day. Dr. Levitt stated that the resolution becomes effective once the parking lot is completed and the owner has obtained a CO and has constructed the fence. The improvements need to be completed.

Mr. Bruno asked if it would be unfair to ask that the trucks not be there at all. He compared what was discussed about trucks idling to his family's business, Giordano's, in the Italian Market in Philadelphia, and felt that 18 hours of trucks idling is excessive. Dr. Levitt reminded that the Board has no enforcement powers and that conditions were set at the time of the hearing and they are simply making the resolution clear as to what was approved. Mr. Bruno said he unfortunately couldn't be at that hearing due to work commitments. Mr. Stein said they are unable to add or subtract from anything that was decided.

The resolution was memorialized by roll call vote of those members who were present at the original hearing.

The roll call vote was as follows:

Mr. Anderson-absent, Mr. Bruno- abstain, Mayor Chau-yes, Mr. Leeds-yes, Chief Newman-absent, Mr. Milone-yes, Mr. Notaro-absent, Councilman Perri-yes, Mr.

Roegiers-yes, Mr. Rowe- abstain, Mr. Scharff-yes, Mr. Shippen-yes, Chairman Levitt-yes. The resolution was memorialized.

Dr. Levitt spoke briefly about the LED sign portion of the Spudsy application. He said he has been on the Board since 1978 and has voted for and against different applications and has never second guessed a vote. He was very upset about the LED sign approval. There were no renderings and no visuals of what the sign would look like. The Board must demand these things. This was a use variance without use variance justification. He said he has never seen this happen before and he found it disappointing. He asked the Board to review the differences between “C” Variances and “D” variances. There was no testimony as to standards and justifications and the “D” Variance requires a much higher standard of proof from the applicant.

Mr. Perri made the motion to close the meeting and Mr. Shippen seconded. Dr. Levitt closed the meeting at 8:05 p.m.

Respectfully submitted,

Robin Atlas, Secretary to the Board