

City of Northfield Planning Board
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Minutes: January 7, 2016

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 Re-Organization meeting of the Northfield Planning Board, held on Thursday, January 7, 2016 in Council Chambers, City Hall, Northfield, was opened by Chairman Richard Levitt at 6:59 p.m. and the following members were present or absent as noted:

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

Matthew Doran, Professional Engineer
Norman Zlotnick, Solicitor

The meeting was opened with a reading of the Sunshine Law and a roll call. Mayor Chau swore in the re-appointed City Official and Planning Board Members. Sworn in was Chief Paul Newman to another one-year term as the Class II City Official. Sworn in as Class IV members with a 4-year term were Clem Scharff and Ron Roegiers and as Alternate #1, Henry Notaro and Alternate #3, Derek Rowe to two-year terms. Also sworn in was Councilman Frank Perri as City Council Liaison.

Dr. Levitt stated that all Board members were contacted by email and it was unanimous among the members that the current professionals were more than

satisfactory and it was not necessary to advertise for proposals. Dr. Levitt asked for nominations for Board Engineer for 2016. Mr. Shippen nominated Matt Doran. Mr. Bruno seconded. The voice vote was all in favor. Mr. Scharff nominated Norman Zlotnick for Board Solicitor for 2016. Mr. Shippen seconded. The voice vote was all in favor. Mr. Scharff nominated Robin Atlas for Board Secretary. Mr. Shippen seconded. The voice vote was all in favor. Mr. Shippen nominated Clem Scharff to serve as Vice Chairman. Mr. Roegiers seconded. The voice vote was all in favor. Mr. Shippen nominated Dr. Levitt to serve as Chairman of the Board. Mr. Roegiers seconded. The Board was all in favor. The Board was officially organized for 2016.

Dr. Levitt made an announcement concerning a pre-construction meeting being organized by the New Jersey Department of Transportation to inform local residents, officials, and the business community about the proposed Route 9, Northfield Sidewalk Replacement project in the City of Northfield. The meeting will be held January 28, 2016 at the City of Northfield in Council Chambers between the hours of 4:00 p.m. and 7:00 p.m. The purpose of the project is to create a continuous pedestrian route in both directions along Route 9 between Revere Avenue and Northfield Avenue. The project is expected to be completed between January 2016 and September 2016. Dr. Levitt asked the Mayor and Police to stay on top of the situation and coordinate with the State as to the effects it will have on traffic and school openings and closures. Mayor Chau said this project has been going on for decades and they are finally bringing it to fruition with this public hearing.

The next item of business was approval of the resolutions to approve the schedule of meetings and the resolution of appointments for publication in The Press of Atlantic City. All were in favor by voice vote.

The application scheduled for this evening was from Bunting Health Center, LLC for a major site plan with "C" and "D" variance relief. The location is 1337 New Road, Block 42, Lot 9 and 517 Banning Avenue, Block 42, Lot 8. Both properties are in the O-PB zone. The attorney for the applicant is Ralph Paul Busco of Brigantine. Dr. Levitt swore in the applicant/owner, Josiah Bunting, Dan Mascione, Architect and Jon Barnhart, Engineer. The Board accepted their qualifications as experts as they have appeared before the Board many times.

Mr. Busco said the applicant is requesting minor site plan, "C" variances, an expanded non-conforming use d(2) variance, a Floor Area Ratio d(4) variance, and design waivers with this application. The project is expected to be complete in two phases. They are proposing an expansion of a non-conforming use in that the retail pharmacy will be expanded to the entire first floor. They also want to construct a new one-story structure of 1566 sf to the rear of the building. This is phase two of the project. The total area of the first floor to be used as a pharmacy consists of 3581 sf. The second story is a two bedroom apartment and is 1152 sf in size. The Land Use Code does not list pharmacies as a use in the O-PB zone. The first approval for the pharmacy use was in 2010. The applicant also wants to construct a 29 space parking lot behind the store which will benefit the family and the community. They will also make improvements to the outside of the building by improving aesthetics.

Mr. Barnhart, a NJ licensed Professional Engineer and Planner, testified first. He stated the existing pharmacy use in the building is approximately 2000 sf and the remaining first floor area is not being used. There is currently head-in parking on the Banning Avenue side and some parking at the rear of the building and a grassy area. The Bunting Family has acquired the lot next store which has a home on it. There is a fenced-in area in between all this property owned by the Bunting Family. The existing house is on a 50 ft. wide parcel.

Mr. Barnhart briefly described the surrounding land uses. Across the street is Mr. Mascione's Architect office, there is a shopping center across the street on Route 9, and another one, Plaza 9, next door. All is commercially operated except for the lot with the house the Bunting family purchased and that lot is zoned O-PB. The project will take the site to the next level with a modest expansion to the building. This will make the site more conforming, will adhere to current day design standards, and will allow for safety improvements.

Mr. Barnhart said the project will be in two phases. The first phase involves occupying the balance of the 2000 sf building by expanding the pharmacy and they want to do this immediately after approval. It is now a built out shell area and can be utilized easily. They plan to commence with the site improvements when the weather breaks. Phase two and the end goal will be to move into the back area. Until the end of phase one, the area will remain grass covered. The second phase

will be to expand the building by 1500 sf. This will allow Bunting to expand the pharmacy again. The phase two expansion involves the middle area which is now a fenced in section.

Mr. Roegiers asked about drainage. Mr. Barnhart said there will be underground drainage improvements. Mr. Barnhart continued by stating that the site has some awkward existing improvements; especially concerning the parking. Bunting is committed to improving the site by removing the parking on the side and improving the driveway. They will be providing additional curbing, adding concrete at the front, and will beautify the building. This will all take place before the expansion of the building. The project will allow for a 29 space parking lot. One side will be double-stacked as an excess parking area if needed. The parking meets all Ordinance counts. They will install new inlets and will retain all storm water. Mr. Barnhart said they will add landscaping and street trees as noted in Matt Doran's report. Lighting will be by Ordinance standards and will also comply with Mr. Doran's report.

Mr. Barnhart addressed the variance to expand a use not permitted in the O-PB zone. The previous approval was for a Pharmacy use and they are asking to expand this use and noted that it has been working well at the site. Mr. Barnhart addressed special reasons and supporting criteria for the use. This use involves the promotion of general welfare. Bunting Pharmacy is a successful business and they want to expand. They also will be occupying an existing building, which is under-utilized, and they will be increasing safety on-site. As to the free flow of traffic, the parking lot meets all requirements and they are getting rid of the non-conforming parking on the side. This is a second address of special reasons. The third reason is aesthetics. The building is dated and needs some work. In phase two, they will redo the façade of the building. The expansion will help create a nice look with less concrete in the front. It will be much more visually inviting than what currently exists.

Mr. Barnhart discussed the Floor Area Ratio (FAR) Variance which presented a unique situation. The calculation is the total area of the building divided by total area of the lot. This assures that there is not 'too much building' on the lot. The proposed FAR is .24 where .20 is permitted. There is an existing residential apartment on the second floor of the building and there are two designated parking

spaces for this area. The question is whether to use this area in the calculation. If not included, the proposed calculation is at .21 which is a very di minimis request for a variance. Mr. Barnhart said that the building is appropriate for the site in size.

Mr. Barnhart discussed the “C” Variances for buffers. There is a 15 ft. requirement and 10.93 ft. and 12.24 ft. are proposed with the addition of a landscape area and a hedgerow. There are also existing non-conformities. Lot width is slightly short of the 100 ft. requirement. The existing lot width is 99.98 ft. There are two front setbacks associated with this corner lot. The Route 9 setback is 14.79 ft. where 25 ft. is required and the Banning Avenue setback is 20.90 ft. and also has a 25ft. requirement. These setbacks are existing and there are no changes proposed in those areas.

Mr. Barnhart addressed Design Waiver relief. This involves no parking within 50 ft. of a residential zone. The applicant is proposing 12.24 feet, but noted that the hedgerow and solid 6 ft. fence will mitigate that issue. The lot with the house to be demolished is located in the O-PB zone as is the next house down Banning Avenue which is not owned by Bunting Health. Mr. Barnhart added that with the type of use and hours of operation, this will not be a problem. When the neighbors are normally home in the latter part of the day, the Pharmacy will be closed. The parking lot will be underutilized or empty during off hours. Dr. Levitt discussed the required parking spaces. The site is required to have 20 spaces. Without the stacked spaces they are at a count of 20 and they can add the other 9 as stacked parking if necessary. Another Design Waiver involves no parking within 20 ft. of a street Right-Of-Way. They are proposing 10 ft. They also need to install a concrete sidewalk for the parking area. Mr. Barnhart asked for a waiver for this as well since there is not an appropriate place for it. There is a sidewalk along the back of the building to the doorway. There will also be a new sidewalk along Banning Avenue. Connecting circulation is well linked at the site.

Mr. Barnhart commented on negative criteria, which is two pronged. The first is the application and its substantial impairing or detriment to the zone plan or Ordinance. The use was approved by the Board for a Pharmacy in the past and has proven that it is appropriate and well-suited for this location. The track record shows there is no substantial impact. This is a commercial use in a commercial zone. The second prong deals with detriment to the public good. Mr. Barnhart

commented that there will be a dramatic improvement for traffic and pedestrian safety.

Mr. Barnhart said the applicant agrees to comply with everything in Matt Doran's report. He discussed certain aspects of the report. In reference to trash, the site now has trash cans for disposal. The business has a low trash load. They discussed a small 8 ft. by 6 ft. trash enclosure in a grass-covered area. This will be an addition and does not necessitate any variance relief.

Mr. Barnhart discussed loading and deliveries and said the family pharmacy is a small 3500 sf store and deliveries are very minimal and done during off hours. Dr. Levitt asked about the expansion of the business and would they be increasing the counter items. Mr. Bunting said that counter items would increase, but his store would not be like a Rite Aid type of operation with food items. Mr. Bunting said he wants to remain as medical in nature as possible. He worked for a Rite Aid in the past and he wants nothing like that. He wants only items like cough and cold medicines and vitamins, but will add no perishables, colognes, or cosmetics. Mr. Barnhart said there will be no changes to existing signage which is internally lit. Mr. Barnhart discussed the façade signs which will change. The building has two frontages since it is a corner property and they are permitted 1 sf for every foot of building frontage by Ordinance which would be 60 and 70 linear feet and the proposed signs are 24 sf and 48 sf which are below the requirement. Mr. Barnhart said this is the type of improvement you want to see.

Mr. Shippen asked about off-hour deliveries and idling trucks. Mr. Bunting said a minivan delivers the drug orders once a day between 8:45 a.m. and 9:30 a.m. and at 10:30 a.m. Saturday mornings. They are closed on Sundays. His operations are small and he is part of a buying group. Dr. Levitt asked about hours of operation. Mr. Bunting said the hours are Monday to Friday from 9:00 a.m. to 7:00 p.m. and Saturday from 9:00 a.m. to 4:00 p.m. Mayor Chau asked if the entrance on New Road would remain. Mr. Barnhart said for security it would be advantageous to have two entrances. Mr. Bunting has not decided whether or not close the New Road entrance and this will be decided in phase two. Mayor Chau asked about any new signage and asked for a description of the lighting. Mr. Barnhart said there will be two new façade signs and they will be internally lit similar to the free standing signs. Mr. Mascione said they won't be moving or electronic LED signs,

but will be energy efficient. They may add the street address to the sign for visibility to locate the entrance and for the safety of motorists.

Mr. Busco called Mr. Dan Mascione, Architect to testify. He said Mr. Barnhart did a great job with his testimony and did not feel a history of the building was necessary since they were before the Board previously. His own office is across the street on the other corner of New Road and Banning Avenue. He said the Bunting site is well maintained, but needs an upgrade. There are concerns with traffic flow. The benefit is really the addition of the parking lot. Mr. Mascione provided Exhibit A-1 which were small architectural drawings and renderings of the outside of the building. They plan to construct above the existing roof line by 18 inches and reinforce the roof. They plan to hide the flat roof with a new more pleasingly aesthetic roof. There is an existing entrance to the second floor. The new addition will be one story. The façade will mimic the homes down Banning Avenue. Mr. Mascione said that Mr. Barnhart covered all the major issues, but he is available for questions or comments.

Dr. Levitt opened the public session. Mr. Joe Marincsin who owns Swan Cleaners, 1411 New Road, agrees wholeheartedly with traffic and parking issues due to vehicles backing out and cars cutting through Sigano's property to try to beat the traffic light. This project will be an improvement and will help with summer traffic. He commends the owner for keeping the property in a pristine condition. He sees Josiah Bunting and his father every week maintaining the property and he applauded his vision to see the future of the business and to make these modifications. He is strongly in favor based on testimony. Dr. Levitt closed the public session as there was no one else who wished to speak.

Mr. Roegiers said the site will be expanding on a pre-existing use and when they expand to the second phase, he does not want to see the use change. Dr. Levitt and Mr. Zlotnick said any change would have to be compatible. Dr. Levitt said he doesn't see why pharmacies were restricted in the O-PB zone. There was a pharmacy located in the Mainland Professional Plaza. Dr. Levitt added that only a conforming use or another pharmacy of the same intensity could go in this space otherwise they would have to come before the Board for a use variance. This site is in the O-PB zone, but very close to the RC zone which allows for more intense uses such as the section where the Rite Aid is located. Mr. Busco said that phase

one will give Mr. Bunting the ability to use existing space immediately. During the second part of phase one, when the weather breaks, they will complete the concrete work. Dr. Levitt said he would like to see a timeline for the project. He asked if they would consider a one year completion date. Mr. Bunting said that would be acceptable. Dr. Levitt commented that given the expansion of the use, the parking will need to go along with that. Mr. Perri and Mr. Doran asked about the unoccupied section. Mr. Bunting said they originally were going to rent to the Northfield News business that ended up locating across the street. The section has remained vacant. Dr. Levitt swore in Mr. Doran as Engineer, which must be done at every meeting. Mr. Doran stated that Mr. Barnhart did a fantastic job covering the project and the items in the Engineer's report.

There were four separate votes associated with the application.

Mr. Scharff made the first motion for the non-conforming use d(2) expansion of a pharmacy in the O-PB zone. Mr. Shippen seconded the motion.

The roll call vote was as follows:

Mr. Anderson-absent, Mr. Bruno-yes, Mayor Chau-no vote as elected official, Mr. Leeds-absent, Mr. Milone-absent, Chief Newman-yes, Mr. Notaro-yes, Councilman Perri-no vote as elected official, Mr. Roegiers-yes, Mr. Rowe- yes, Mr. Scharff-yes, Mr. Shippen-yes, Chairman Levitt-yes. The motion to approve the variance carries.

The second vote was for Floor Area Ratio d(4) where .20 is permitted and .24 is proposed. Mr. Scharff made the motion and Mr. Shippen seconded.

The roll call vote was as follows:

Mr. Anderson-absent, Mr. Bruno-yes, Mayor Chau-no vote as elected official, Mr. Leeds-absent, Mr. Milone-absent, Chief Newman-yes, Mr. Notaro-yes, Councilman Perri-no vote as elected official, Mr. Roegiers-yes, Mr. Rowe- yes, Mr. Scharff-yes, Mr. Shippen-yes, Chairman Levitt-yes. The motion to approve the variance carries.

The third vote was for "C" Variances and waivers. Mr. Scharff made the motion for the following "C" Variances:

Buffers of 10.93 ft. and 12.24 ft. where 15 ft. is required

Existing Non-Conformities-

Lot Width-100 ft. required; 99.98 existing

Front Setback on Route 9-25 ft. required, 14.79 ft. exists

Front Setback on Banning Avenue-25 ft. is required, 20.9 ft. exists

There are two front setbacks due to the corner lot

and Design Waiver Relief:

No parking within 50 ft. of a residential use; 12.24 ft. is proposed

No parking within 20 ft. of a street Right-Of-Way; 10 ft. is proposed

Concrete sidewalk provision for the parking area

The roll call vote was as follows:

Mr. Anderson-absent, Mr. Bruno-yes, Mayor Chau-yes, Mr. Leeds-absent, Mr. Milone-absent, Chief Newman-yes, Mr. Notaro-yes, Councilman Perri-yes, Mr. Roegiers-yes, Mr. Rowe- no vote; nine voting members present, Mr. Scharff-yes, Mr. Shippen-yes, Chairman Levitt-yes. The motion to approve the variances and waivers carries.

The fourth and final vote was for Major Site Plan. Mr. Scharff made the motion and Mr. Bruno seconded.

The roll call vote was as follows:

Mr. Anderson-absent, Mr. Bruno-yes, Mayor Chau-yes, Mr. Leeds-absent, Mr. Milone-absent, Chief Newman-yes, Mr. Notaro-yes, Councilman Perri-yes, Mr. Roegiers-yes, Mr. Rowe- no vote; nine voting members present, Mr. Scharff-yes, Mr. Shippen-yes, Chairman Levitt-yes. The motion to approve the variances and waivers carries.

Dr. Levitt wished them good luck with their project and said it will be an improvement with aesthetics and traffic flow safety. Mayor Chau extended his appreciation to Mr. Bunting and to the business owner who commented during the public session and the project will be an enhancement to the City. Mr. Bruno remarked that Mr. Bunting is extremely generous with the sports teams in Northfield and the School Board and other organizations, and he is a great person to have in our community.

Dr. Levitt closed the meeting at 8:04 p.m. with a motion from Mr. Perri and a second from Mr. Shippen.

Respectfully submitted,

Robin Atlas, Secretary to the Board