

City of Northfield Planning Board
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Minutes: June 1, 2017

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, June 1, 2017 in Council Chambers, City Hall, Northfield, was opened by Chairman Richard Levitt at 7:01 p.m. with the following members present or absent as noted:

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

Matthew Doran, Professional Engineer
Norman Zlotnick, Solicitor

There were two applications on the agenda. Dr. Levitt announced that the application for Otto Bruyns Public Library, Block 92, Lot 23, 241 W. Mill Road, submitted by the Library Board for an electronic sign addition to an existing sign will need to be postponed. The property is owned by the City of Northfield. The owner of the property must sign off on the application to move it forward before the Planning Board. City Council must approve the application for submission to the Planning Board for consideration. The submission will be discussed at the City Council meeting on June 27th. The Library will also need to be represented by an attorney. It was announced that the Library Board completed their noticing to the property owners within 200 ft. and advertised in The Press of Atlantic City and the announcement at this Planning Board meeting will serve as public notice of the postponement. Mayor Chau was not present at this hearing since he will recuse himself from this application as he is a member of the Library Board. He will also recuse himself from the Cupo application as there is a conflict of interest since Mayor Chau is

employed with the school district as a teacher at Mainland Regional and the applicant is a member of the Board of Education at the high school.

The application before the Board is for city residents Nunzie and Rose Cupo, Block 3, Lot 12, 104 Cara Court in the R-1 Zone for "C" Variances to construct an in-ground swimming pool, patio, and deck. Christopher M. Baylinson of the Linwood firm Perskie Mairone Brog Barrera & Baylinson represented the applicant. Jon Barnhart, Professional Engineer and Planner with Arthur W. Ponzio Co. in Atlantic City, was also present to testify. Mr. Cupo is present for questions if needed.

Mr. Baylinson began by stating that Nunzie and Rose Cupo recently bought the home. The interior of the home was damaged and they have made repairs to improve it. They want to continue to improve the property by installing an in-ground swimming pool, patio, and deck. The yards in this development are small and there is an easement at the rear of the property that can have no foundation materials in it. Mr. Baylinson described the variances as a rear yard setback to the deck where 25 ft. is required and 13 ft. is proposed, Lot Coverage where 40% maximum is allowed and 58% is proposed, and two distance to the structure setbacks including a side setback to the pool where 10 ft. is required and 5 ft. is proposed and a pool to house setback where 8 ft. is required and 6 ft. is proposed.

Dr. Levitt swore in Mr. Barnhart and his credentials were accepted as he has been before the Board on many occasions. Mr. Barnhart said Mr. & Mrs. Cupo recently purchased the vacant property. There was interior water damage and they completely renovated the inside. They want exterior living space and the home itself has maximized building coverage which also includes a garage with a side entrance. They want to add a back patio area and a pool. Mr. Barnhart further discussed the variances. He said the rear yard setback is compliant due to the existing easement at 12 ft. from the rear line. They are proposing a 5 ft. side yard setback which will be enough room to walk around the pool and to also provide a 3 ft. landscape bed. Dr. Levitt asked about the purpose of the easement. Mr. Barnhart said it is for drainage pipes underneath the ground. Dr. Levitt and Mr. Barnhart discussed the impervious deck and it was agreed that if the pipes needed repair, the homeowners would have to remove the deck if necessary. Any repairs to the landscaping or deck would be the responsibility of the homeowners and not the city should repairs to the pipes be required. Mr. Barnhart said the placement of the pool is the only place for it to fit on the property. At one pitch point there will be only 6 ft. from the pool to the house and a variance is needed. Mr. Baylinson added that this pool to structure area is for safety and Mr. Barnhart thought that 6 ft. is sufficient since the rear exit is toward the backyard and not the pool area. Also the entire pool is shallow. Mr. Barnhart said the rear yard setback to the deck is a hardship variance since the house sits at 25 ft. currently. He added that the deck is compliant at the side yard. Mr. Barnhart said Lot Coverage is already at maximum. This is a c(1) type of variance for the hardship, but it is also a c(2) variance as they are bringing the property back to what it should be and that positives outweigh any potential negatives. The landscaping around the patio will not increase runoff. Also, a fence exists at 6 ft. and the requirement is 4 ft. The project will not interfere with any neighbor's property or privacy.

Dr. Levitt asked for more information on the easement. Mr. Barnhart said there is an easement in this neighborhood of 12 ft. on each property. The property to the rear of the Cupo lot also has a 12 ft. easement. They are proposing an 8 ft. patio and 4 ft. of landscaping. Mr. Leeds asked if there is a house on Lot 11. Mr. Barnhart said there is one. Mr. Perri asked if the patio would be constructed using pavers. Mr. Cupo said most likely he would use pavers.

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

Mr. Doran discussed his Engineer's report. Mr. Doran agreed with the variances. He noted that the Ordinance requires a grading report to prove it will not affect the neighboring properties. Dr. Levitt asked about locking of gates. Mr. Barnhart said it is a requirement to have self-locking gates.

Mr. Leeds made the motion for variance approval for construction of an in-ground swimming pool, patio, and deck including the four variances discussed. Mr. Shippen seconded the motion.

Mr. Barnhart was asked how the property drains. He stated that water drains to the rear of the property. Mr. Cupo was sworn in and agreed to remediate any drainage issues or problems that occur or develop.

The roll call vote was as follows:

Mr. Anderson-yes

Mr. Bruno-absent

Mayor Chau-absent

Mr. Leeds-yes

Mr. Milone-absent

Chief Newman-yes

Mr. Notaro-absent

Councilman Perri-yes

Mr. Roegiers-yes

Mr. Rowe-yes

Mr. Scharff-absent

Mr. Shippen-yes

Chairman Levitt-yes

The motion carries.

There was one resolution to memorialize for St. Gianna Beretta Molla Parish and the developer Morgan & Associates, Block 40, Lot 29, 1421 New Road for a minor site plan and "C" variance for an Accessory Solar Panel Field approved at the April 6, 2017 meeting. Mr. Rowe abstained. The voice vote was all in favor.

It was noted that as-built plans would now be a standard requirement of all applications and will be included in all resolutions. Mr. Zlotnick has already taken care of this by adding it to the general portion of the resolution template.

Other business was discussed. Councilman Perri reported that at the City Council meeting on June 1st there was a presentation from a record digitizing company and it is something Council is looking into for the near future. Even though there was a compliment from an individual that a request for old records was quickly and easily found, and it was noted that digitizing can be expensive and complicated, Mr. Perri suggested that applicants can be charged the fees for this going forward. Dr. Levitt suggested considering an amendment to the code to add a digitizing fee to applications. The Board discussed this and would like to offer City Council their encouragement to proceed with a requirement in our Land Use Code that all applicants submit final plans and as-buils in an approved digital form to the City according to legal requirements. Digitizing should prove to be a convenient process of scanning to be completed by an outside company, and should not be a financial burden on the applicant or the city budget. Mr. Perri said the company who gave the presentation was a company from Northfield. Dr. Levitt asked that a letter be drafted to Council and for Mr. Perri to follow-up on this.

The Cresson Hill project was discussed. Mr. Doran said the main issues involve the road through the complex to Tilton Road and the water connections. Mr. Perri said he has reviewed five sets of plans and they are different than what was approved. Pump station repairs are being addressed. They are showing 50% of the water coming into Cresson Avenue and 50% coming into Tilton Road and this is what they have filed with the state. The problem is where the sewer water goes. The Planning Board approved it going to Tilton Road. Mr. Doran noted that the Planning Board doesn't do the sewer study, the City does. Mr. Perri pointed out that now 50% has been deviated to Cresson Avenue. The Fire Department is currently reviewing plans from Marathon Engineering concerning the road connection to Tilton Road. This will be followed up when a response is available. Mr. Leeds commented on the road concerns. All plans show the road going through to Tilton Road, but when all was said and done, the applicant said they may never connect it. He felt the Board was letting the public down and that the applicant was very misleading. Mr. Roegiers agreed. Mr. Zlotnick will check the resolution for verification.

Dr. Levitt commented on current COAH information he read in the newspaper and said that all phases are in effect concerning the Supreme Court decision for New Jersey Affordable Housing requirements. Mr. Zlotnick added that the court is taking into consideration gap periods and this will increase the number of affordable unit requirements. He said the firm the city hired is doing a good job and Judge Johnson is involved as well. The city doesn't have to do anything at the current time. Nobody is sure yet of the outcome and there is nothing that needs to be done at our level right now.

Mr. Leeds commented on the Library sign application. An attorney would have to represent the Library Board who submitted the application and City Council has to approve the submission of the application since they are the owners of the property. Mr. Perri said City Council is on top of the situation and it will be considered at the next meeting. He may consider recusing himself if it goes forward as a city official and because of the Country Club issue. Mr. Zlotnick said the Country Club has abandoned pursuing their electronic sign. He commented that they are very busy at the club and feel they don't need the sign or the ill will it may create. They probably feel they don't need an unnecessary expense. Mr. Doran said there is a rumor that they may need more parking and perhaps they will come back to the Board in the future.

Mr. Shippen made the motion to close the meeting and Mr. Roegiers seconded. Dr. Levitt closed the meeting at 7:51 p.m.

Respectfully submitted,

Robin Atlas, Secretary to the Board