

DORAN

ENGINEERING, PA

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840 NORTH MAIN STREET • PLEASANTVILLE, NJ 08232
(609) 646-3111 FAX (609) 641-0592

MEMO TO: Northfield Planning Board
FROM: Matthew F. Doran, Board Engineer
DATE: October 20, 2025
RE: Nael Zumot
DORAN # 9748
LOCATION: 909 Fuae Avenue
BLOCK: 117 LOTS: 31
STATUS: Request for a Certificate of Non Conformity
BASIS FOR REVIEW: Application prepared by Nael Zumot, date 8/19/25
Application For Certificate of Business, Denial dated 8/29/25
Certification of paid taxes dated 9/22/25

USE: Residential Unit and Retail Space

ZONING REQUIREMENTS: This property is located in the R-2 Zone, which allows primarily for Residential uses. The following is a review of the bulk requirements for the proposed project:

ITEM	REQUIRED	EXISTING/ PROPOSED	CONFORMITY
LOT AREA	6,000 SF		
LOT WIDTH	50'		
SETBACKS PRINCIPAL			
FRONT	25'		
FRONT (Fuae)	25'		
SIDE	10'		
BOTH SIDES	25'		
REAR	25'	NO ZONING	INFORMATION PROVIDED
HEIGHT	2 ½ Sty/30'		
MIN GROSS FLOOR AREA			
ONE STORY	950 SF		
TWO STORY	1200 SF		
BLDG COVERAGE	35%		
TOTAL COVERAGE	50%		
SETBACKS ACCESSORY			
SIDE	10'		
REAR	5'		

No Zoning Bulk Requirements
were provided
No Physical Changes are
proposed as part of this
application

PROJECT DESCRIPTION:

The applicant has made application to the Board for an interpretation of Section 215-19 of the ordinance. This section deals with the abandonment of a property located at 909 Fuae Avenue, which is located near the intersection of Jackson and Fuae Avenues. The application states that the site is presently being utilized as a Deli/Grocery Store and one apartment.

The applicant has applied to the City of Northfield for a Certificate of Business for the Deli/Grocery Store and was denied for the approval based on Section 215-19 of the ordinance dealing with abandonment.

REVIEW COMMENTS:

1. The appropriate first step for the applicant is to obtain a Certificate of Non-Conformity for the property.
The question of determining if the property is legal, is to determine if the request for the certificate is within one year of the ordinance change that made the property nonconforming.
The Zoning Officer has the authority to issue a Certificate of Nonconformity within one(1) after the change in the ordinance made the property nonconforming. This is not the case for this property currently.
Since more than one year has passed, the appropriate body to review the facts and issue the Certificate is the Zoning Board of Adjustment. The applicant bears the burden of proof before the Zoning Board.
2. Following are questions that the applicant should provide testimony to in support of the Certificate of Non-Conformity:
 - a. Does the applicant know if the property previously received a Use Variance to allow an apartment and a retail space at this property.
 - b. The applicant should state for the record, was the front portion (retail space) used as part of the apartment over the last few years.
3. For the applicant to receive a Certificate of Nonconformity, a burden of proof needs to be supplied to the board.
 - a. Was the use at the site continuous since the time the property was permitted as a dual use. Proofs of the continuing nonconformity are municipal certificates of occupancy, tax certificates, business certificates, etc.
 - b. In order to qualify for nonconforming use status, the use must have been lawful under land use regulation in effect at its commencement of the present use.
 - c. The applicant must show that the lawful use was not sporadic or occasional.
 - d. The applicant shall provide any other evidence they would like to supply showing that the use has been utilized as a residential unit and retail space since its inception.
4. The issue of whether a nonconforming use has been abandoned cannot arise until the burden of establishing the existence of a valid nonconforming use has been met.