

City of Northfield Planning Board
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December 5, 2024

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 of Atlantic City on November 23, 2024 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. Digital copies of the application documents, exhibits, and the Planning Board Engineer's report have been uploaded onto the city website as well if applicable.

The **REGULAR** meeting of the Northfield Planning Board was held on Thursday, December 5, 2024. ***In following with the decisions of Mayor Chau and City Council, the Planning Board will be eliminating the mandatory observation of Covid-19 related social distancing measures at their public meetings. In addition, the Planning Board will continue to air the regular meetings on Zoom video conferencing for convenience of those who do not wish to appear in public.***

Formal action may be taken at this meeting.

City of Northfield Planning Board is inviting you to a scheduled Zoom meeting.

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The meeting was opened by Chairman Richard Levitt at 7:02 p.m. with the reading of the Sunshine Law and the roll call. The following were present or absent as noted.

Peter Brophy

Matthew Carney

Mayor Erland Chau-absent

Councilwoman Carolyn Bucci

Dr. Richard Levitt

Henry Notaro-absent

Dan Reardon

Ron Roegiers

Derek Rowe
Clem Scharff
Jim Shippen
Paul Utts
Joel M. Fleishman, Esq.-Planning Board Solicitor
Matthew Doran, PE, PP-Planning Board Engineer

Mr. Brophy led the flag salute.

The Board approved the minutes for the November 7, 2024 meeting with a voice vote that was all in favor.

The first application on the agenda was from Craig and Shantawatie Spooner of 1022 Second Street, Block 113, Lots 10,11,12 in the R-3 Zone. The applicants installed a 6 ft. high white vinyl fence without a permit in the 25 ft. setback on Mt. Vernon Avenue. A 3 ft. high fence is permitted. The Spooners were sworn in. Mr. Spooner explained that they originally had a 3 ft. high chain-link fence that was damaged after Superstorm Sandy. A tree fell on the fence during the storm. They decided to replace the damaged fence with a taller one. Mr. Spooner gave justification reasons for this including privacy concerns from neighbors who have security cameras. They have hedges that shed leaves in the fall. They moved into the home in 2000 and they have seen increased vehicle traffic, increased noise, litter, and trespassing. They also have pets they want to protect. They planted Forsythias and the new fence helps keep them upright. He said he has called the Police about trespassers, but he reports them anonymously for fear of retaliation. He also noted that he has seen other fences in the neighborhood that are the same size as his.

Dr. Levitt said a 6-ft. fence is not permitted in the setback. Mr. Spooner said his fence does not impede views for traffic. Mr. Carney asked if he obtained a permit. Mr. Spooner said he did not and that was his oversight. Dr. Levitt said the contractor should have known. Mr. Brophy asked the height of the original fence. Mr. Spooner said 3 or 4 ft. Mr. Spooner commented that once he received the citation, he applied for the permit and paid the fees and then he applied for the variance since he cannot receive the permit unless approved. Mr. Brophy asked when did he install the fence. He said April or May 2022. Mr. Spooner said he received the citation after someone reported the fence. Mr. Carney asked what the setback was and Mr. Doran said 25 ft. Dr. Levitt added that a 6 ft. fence is not permitted on the property line. If everyone did that it would impede light, air, and open space which is against the Ordinance. Dr. Levitt asked for specific reasons for granting and justifying the "c" variance. Mr. Fleishman said that is the applicant's responsibility and said this is a corner property which presents a unique situation. Mr. Spooner said it creates a hardship. If he placed the fence at the 25 ft. setback it would be in the middle of the yard. This is a corner property which means he has two front yards. He wants to keep the fence due to safety issues. Mr. Fleishman said Mr. Spooner cannot self-create a hardship because the fence was installed in the setback. It has to be good for the purposes of zoning and he must prove there is no detriment to the neighborhood and the Zoning plan. Councilwoman Bucci asked about other residents with 6-ft. fences and whether or not they were approved or grandfathered. Dr. Levitt said we don't know if they were or not. Mr. Fleishman noted that he is trying to preserve the trees at the fence line. Mr. Spooner agreed and said the Forsythias used to lean over the 3-ft. fence, now they do not. He noted

that he put the fence in the same spot as the old fence. Mr. Fleishman asked if there were any complaints from neighbors and Mr. Spooner said no. Dr. Levitt added that the Ordinance allows for a 3 ft. limit and if everyone had 6 ft. fences, the city would be restricted and confined. Mr. Spooner said if he moved the fence, he would lose his backyard and would incur significant costs.

Dr. Levitt opened the public session. Sienna Spooner who lives next door at 1018 Second Street addressed the Board. She testified that the new fence looks nice compared to what was there previously. The fence keeps her yard nice and quiet and she appreciates that. She agreed with the Spooner's testimony and said she feels more secure. Shantawatie said that the area is not a front yard. It is their backyard and where they spend their time. She said she didn't feel safe before the new fence was installed and she is now raising her grandkids and wants them safe. Dr. Levitt noted that there is some precedence for granting this and said there is a similar situation on Henry Drive. Mr. Rowe asked about their ages and they are small children with one on the way. He understands their trash concerns as well. Mr. Spooner gave more testimony about neighborhood behavior and his need for security and privacy. He said it looks a lot better and there is no obstruction to traffic. He applied for a permit but won't receive it unless approved. Mr. Brophy asked how many calls he has made to the Police Department. He said dozens. Dr. Levitt closed the public session.

Mr. Brophy and Mr. Shippen discussed the fence project on Henry Drive. He had to alter the shape of his fence since it was in the site triangle. He also had children and large dogs. Mr. Spooner commented that he also has children and dogs as well. Dr. Levitt commented that there is also some precedence for granting variances for properties with two fronts. Mr. Scharff noted that the fence is 80 ft. from the corner.

Mr. Doran said the Ordinance requires two shade trees across the front of the property, since this is a corner lot, no trees presently exist. Mr. Fleishman discussed waiving street trees. Mr. Doran discussed the possibility of having the applicant replace the sidewalks that are in poor condition. Mr. Spooner agreed to this and said it was next on his to-do list.

Mr. Scharff made the motion for the "c" variance and Mr. Shippen seconded. The roll call vote was as follows with reasons:

Mr. Brophy-yes; The applicant has shown a reasonable and understandable need for the six-foot fence as a way to protect the well-being and safety of himself and his family, plus we have precedence to grant this variance with the case on Henry Drive

Councilwoman Bucci-yes; she agreed with Mr. Brophy

Mr. Carney-yes; he lives around the corner and he has seen the progress and doesn't mind the fence

Mr. Roegiers-yes; he is in favor of the safety of children

Mr. Rowe-yes; he agrees with the Board member's statements

Mr. Scharff-yes; he agrees with the Board member's statements

Mr. Shippen-yes; this is an improvement with safety and cleanliness

Mr. Utts-yes; he agrees with the Board member's statements

Chairman Levitt-yes; while he supports the integrity of the Ordinance, there are at least two other properties with 6 ft. fences and it wouldn't be fair to not grant the variance here. It is a well-maintained property.

The second application on the agenda this evening was from Nicholas and Katherine A. Droboniku of 3 Northfield Plaza, Block 102 Lots 9,10,14,15 for a Major Subdivision. The attorney for the applicant was Nicholas F. Talvacchia, Esq. of Cooper Levenson in Atlantic City. Mr. Talvacchia said there are four lots today and there are a few variances for Lot Width and a setback due to the shape of the lots. The lots all conform and meet Zoning and the Master Plan and he gave a summary of the project. The applicant proposes to subdivide the property into six residential lots (five vacant lots and one with the existing residential home). The property is in the R-1 district.

Rami Nassar of Schaeffer, Nassar & Scheidegg of Mays Landing was sworn in and his qualifications were accepted. Mr. Fleishman asked to label the subdivision plan sheet 3 as Exhibit A-1. Mr. Nassar said the subdivision is across the street from City Hall and there is a detached garage on the property next to Mr. Droboniku's home on Northfield Plaza. They are proposing a 450 ft. in length cul-de-sac off Shore Road and one lot on Shore Road. A hatched corner on the northerly side will be donated to Block 102 Lot 16, the next-door neighbor. There will be one house on Shore Road and 4 homes behind it. The subdivision is changing from the original plan due to new stormwater management state guidelines. It is now required that a basin is constructed that cleans the water before it goes underground. The state requires a swale (2-ft. is proposed) that drains into a bio-retention basin. In a 2-inch rain storm, the swale would have about a foot and a half of water, but it will dissipate quickly due to the system configured. Mr. Roegiers commented that the regulations require multiple smaller basins and not one large one. Mr. Nassar described the lot width variances that are needed. Sidewalks were discussed and they don't want sidewalks on the lot with the basin since they would rather have a larger basin. Mr. Nassar said they will have sidewalks in front of the homes and to Shore Road and will require a waiver to reduce the right-of-way and for no sidewalks in front of the basin. Mr. Nassar said c(1) variances will be required due to the shape and configuration of the properties. The homes will be consistent with the neighborhood and they are not increasing density. The designs are good for the lots and almost everything complies.

Dr. Levitt asked if the lots will be sold and built by owners. Nicholas Droboniku was sworn in and said he will be selling the lots. Parking was discussed and it was determined that two spaces are required on site, but more may be needed according to how many bedrooms are in the homes. Mr. Shippen said this will be addressed when applying for permits. Mr. Fleishman said they comply with RSIS except for the waivers. Dr. Levitt expressed concerns that the area is a densely wooded property with a 36-inch tree. Mr. Nassar said they would identify the large specimen trees and will save whatever they can. There will need to be a clear cut for the installation of the road and the basin. They will then look at each lot and keep as many trees as possible. Dr. Levitt asked that they keep as much buffer as possible with minimum clearing. Mr. Nassar said this will be shown on the plan. Mr. Doran said they are required by Ordinance to have individual lot plans and the Zoning Officer will sign off on clearing plans. Mr. Doran said there will be a 36-inch pipe installed in the back of all the properties. This will eliminate a lot of the buffer. Dr. Levitt said two shade trees are required per property. There may not be a lot of trees left. He added that

there is no requirement for buffers between residential properties, only for commercial. Mr. Nassar suggested 4 to 5 ft. fencing in the basin areas and consider landscape buffering in the other areas. Mr. Droboniku said they will want to preserve as many trees as possible since they will be selling the lots and if Mr. Doran thinks there is room, they would like to keep three shade trees for each lot. Dr. Levitt asked if there would be grading changes that would necessitate the removal of trees and Mr. Nassar didn't think so. Mr. Carney asked about the right of way size. Mr. Nassar said 50 ft. is required and 39 ft. is proposed and a waiver is needed. This figure includes the road and sidewalks and is plenty large.

Mr. Doran referred to his report. The infiltration basin is to be constructed with a 36" pipe along the rear of Lots 10.04 & 10.05. The pipe is proposed to be installed in an easement. The Ordinance requires 25 ft. and they are requesting 20 ft. Mr. Fleishman asked that the HOA agreement is to be issued to Mr. Doran and himself for review. Mr. Doran noted that water and sewer is already in the ground from Shore Road and no road opening will be necessary. Mr. Droboniku noted that he had this done before Shore Road was paved to avoid the road opening moratorium. Mr. Doran noted that they also don't need further County approval, but they will submit the subdivision plans to them. Mr. Doran said they agreed to everything in his report. Mr. Fleishman commented that the Fire Department letter indicated that they want a fire hydrant in the cul-de-sac. Mr. Droboniku said that during the initial application the Fire Department said they didn't need a hydrant. Mr. Fleishman said they need to re-visit that with the Fire Department. Mr. Doran suggested a split-rail fence to keep people out and they agreed to do that. The HOA will mow the basin and the HOA Declaration will take care of that and it is state regulated.

Dr. Levitt opened the public session. David Gelona of 6 Oakview Drive spoke first. He is retired from NJ American Water and commented that a fire hydrant will require an 8" main and will require a Shore Road opening. Mr. Fleishman said Mr. Droboniku can speak to the Fire Chief and see if this condition can be resolved. Mr. Gelona said two of the lots will abut his property and he asked when construction would begin. Mr. Droboniku said they intend to start in the spring. He commented that he has a 6 ft. fence and a large Maple tree on the property line.

Sindy Baker of 25 Northfield Plaza spoke next. She is adjacent to Lot 13 next to the drainage basin. She asked about buffering and asked if the drainage area was a hill. Mr. Nassar said it is 2 ft. deep and when it overflows it runs into an underground system. There will be no increased drainage than currently exists. Mr. Fleishman said that is the law. She asked about standing water and mosquitoes. Dr. Levitt said the drainage and percolation should be an improvement and it is not designed to hold water. Mrs. Baker asked how maintenance would be funded. Mr. Droboniku said the HOA would charge monthly dues and there would be a legal Declaration. She asked if it was the first HOA in Northfield. Dr. Levitt said there are others and it is state regulated. She asked what the basin would be made of. Mr. Nassar said it will be grass and landscaping.

Jackie Zarrillo of 1724 Tilton Road spoke next. She asked about the 6 ft. fence on the property line and asked about the equipment that will be used to maintain the drainage area. Mr. Nassar said they will have to clean it and to make sure it is in proper working order. There will be an easement and there will be no equipment on her property. Dr. Levitt clarified that the fence will be maintained by the HOA. Mrs.

Baker commented that there is already fencing in some of the areas. Mr. Nassar assured her that no existing fencing will be disturbed. Mr. Nassar said the fence will be a 6 ft. vinyl fence or board on board fencing. Mr. Fleishman asked what would happen if a homeowner wants a different type of fence. Mr. Talvacchia said it will be left up to the HOA to decide, but it should be uniform or it will look unsightly. Mr. Doran agreed that existing fences should be left alone and have abutting fences in some areas.

There was no one else who wished to speak and Dr. Levitt closed the public session.

Mr. Scharff made the motion for Preliminary & Final Major Subdivision and “c” variances for Lot Width as noted in Mr. Doran’s report:

Lot 9-100 ft. is required, 74.02 ft. is proposed

Lot 10.01-100 ft. is required, 39.45 ft. is proposed

Lot 10.02-100 ft. is required, 95.45 is proposed

Lot 10.03-100 ft. is required, 96.88 ft. is proposed

Lot 10.06-100 ft. is required, 32.71 ft. is proposed

There is also a setback variance for Lot 9-25 ft. front setback is required to Northfield Avenue, 17.5 ft. is existing.

A design waiver is required for the 20 ft. drainage easement. There are di minimus waivers from the RSIS standards for the width of the basin and the right-of-way. A waiver is needed for no sidewalk in the basin area. Conditions include the maintenance of a 6 ft. uniform fence and three shade trees per property. They are to maintain as much buffer as possible and to save as many trees as possible. They will comply with the Fire Department letter which may be amended concerning the fire hydrant. Mr. Doran and the Building Department are to review the tree clearing plan per lot. Mr. Shippen seconded the motion.

The roll call vote was as follows:

Mr. Brophy-Recused

Councilwoman Bucci-Recused

Mr. Carney-yes

Mr. Reardon-yes

Mr. Roegiers-yes

Mr. Rowe-yes

Mr. Scharff-yes

Mr. Shippen-yes

Mr. Utts-yes

Chairman Levitt-yes

The motion passes.

Under Old Business, the Board reviewed Mr. Doran’s 2024 Master Plan Final Revisions Letter which contain a limited number of changes needed to update the Master Plan from the Board review at the last meeting. Dr. Levitt said one more goal needs to be added regarding EV requirements. Storage units were mentioned and Dr. Levitt said they do not help the economy and are not attractive. Mr. Doran said they are not part of the Master Plan, but could be part of the Ordinance. They would also need site plan

approval. Dr. Levitt commented that it is a goal to keep the cost of housing down. He noted that R-3 zones need to require two off-street parking spots. Mr. Scharff agreed and said there are more young adults living at home and that means more cars per household. There is a need to keep cars off the street. Mr. Carney agreed and said the street parking is needed for visitors. Mr. Doran thanked Mr. Brophy for editing the entire Master Plan document. Mr. Brophy added that in looking over the memo Mr. Doran sent to the Board that described changes made to the Master Plan, he noted to Mr. Doran that the changes did not include deleting reference to Blessed Sacrament School in Margate, which the original plan said was a resource for Northfield residents to send their children to. Mr. Brophy noted in an edited version given to Mr. Doran that Blessed Sacrament actually closed in 2006. Mr. Doran said he would check to see if he had deleted the reference.

Mr. Scharff made the motion to accept the Master Plan as revised and send it to City Council. Mr. Shippen seconded the motion. The Final Draft of the Master Plan will be dated December 5, 2024. The voice vote was in favor unanimously. Mr. Fleishman commented that the Board is good on this for another ten years.

Councilwoman Bucci commented that she enjoyed this year serving on the Planning Board and she thanked the Board for their kindness. She also noted that she completed the required Planning Board training class and passed her test.

It was noted that the Re-Organization will be moved to January 9, 2025 the second Thursday of the month.

Mr. Shippen made the motion to close the meeting and Mr. Carney seconded. Dr. Levitt closed the meeting at 8:53 p.m.

Respectfully submitted,

Robin Atlas

Robin Atlas, Secretary to the Board