

**Borough of Pitman Combined Planning/Zoning Board
Pitman, New Jersey**

Minutes of June 16, 2014

Call to Order:

Chairman Aspras called the meeting to Order at 7:00pm.

Attendance:

Chairman Aspras, Mrs. Hausmann, Councilwoman Kelley, Mr. Lowden, Mr. Ryder, Mr. Slenkamp, Mrs. Stech, Mr. Carter, 3rd, Mr. Shirley, Mr. Romick

Absent members: Mr. Fijalkowski, Mayor Johnson, Mr. Owen

Advisors Present:

Mr. MacDonald, Solicitor, Mr. Kernan, Engineer/Planner, Mr. Pierpont, Zoning Officer.

Public Comments:

None

- Mr. Owen came into the meeting and will be able to vote.

Approval of May Minutes:

A motion was made by Mr. Romick, second by Mr. Slenkamp to approval the May minutes with minor correction of the spelling of Mr. Romick's name.

A motion to withdraw the first motion was made by Mr. Owen, second by Mrs. Stech. On voice vote: Chairman Aspras, Mrs. Hausmann, Councilwoman Kelley, Mr. Lowden, Mr. Ryder, Mr. Slenkamp, Mrs. Stech, Mr. Owen, Mr. Carter 3rd

A motion was made by Mr. Romick, second by Mr. Carter 3rd to approve the May minutes with minor correction of the spelling of Mr. Romick's name. On voice vote: Mrs. Hausmann, Mr. Ryder, Mr. Owen, Mr. Carter 3rd, Mr. Romick

Abstain: Chairman Aspras, Councilwoman Kelley, Mr. Lowden, Mr. Slenkamp, Mrs. Stech, Mr. Shirley

Historic Preservation Commission:

Mr. MacDonald swore in Walt Madison.

2014-11: Joshua Alam, 24 Pitman Ave., Block-74 Lot-12

Sign

A motion was made by Councilwoman Kelley, second by Mr. Lowden to approve 2014-11 application. On voice vote: Chairman Aspras, Mrs. Hausmann, Councilwoman Kelley, Mr. Lowden, Mr. Ryder, Mr. Slenkamp, Mrs. Stech, Mr. Owen, Mr. Carter 3rd

Mr. Madison informed the board that the Historic Commission is currently updating their application. The second reading will be done at their next meeting in July then will be passed to Borough Council.

Resolution 2014-08: Denial without Prejudice: Richard Wyatt, 82 West Avenue:

A motion was made by Mr. Ryder, second by Mr. Owen, to approve Resolution 2014-08 for the denial without prejudice. On voice vote: Mrs. Hausmann, Mr. Ryder, Mr. Owen, Mr. Carter 3rd, Mr. Romick

Variance Request From Fence Ordinance: 521 Elm Avenue: Thomas Grimm and Sharon Ferrucci:

- Mr. Slenkamp stepped down and will not be voting on this application.

Mr. MacDonald swore in both applicants Thomas Grimm and Sharon Ferrucci of 521 Elm Avenue. Chairman Aspras wanted the applicant to clarify on record that they would like a solid fence. The applicants reply yes they are asking for a solid fence.

Ms. Ferrucci then spoke about the application they submitted. In submission of their application, they attached photographs for the board to review of the next door neighbor's property and how it has changed with in the last three years. The prior homeowner had a lot of activity too, but kept the property in maculate condition. Ms. Ferrucci described how the property looks currently; numerous vehicles including boats, jet skis, boat trailers, snow plows, trucks, equipment trailers and piles of wood are all scattered across the lawn of the property and/or placed/parked up against the existing chain link fence which can all be seen from their deck, their kitchen and their dinner room windows. Ms. Ferrucci stated they are requesting for a six (6 ft) foot fence, because currently the fence is four (4 ft) feet and everything can be seen over that fence. Chairman Aspras ask if the fence will be the six (6 ft) foot length the whole side of the property. Mr. Grimm stated only up to about five or six (5 or 6 ft) past their current gate. The fence will not go all the way up to the front of the house. Mrs. Hausmann questioned about the wood pile they mentioned is not in the one photograph. Ms. Ferrucci stated yes it is in one of the photographs and it is still out there. Mr. MacDonald asked Chairman Aspras for the photographs so he can label each of them into exhibit. Mr. MacDonald asked the applicants to show him what sequence they would like him to label the photographs in. The photographs are labeled Exhibit A-1 through A-7 and asked the applicants' to describe each one. Exhibit A-1: photograph of the front of and the western part of the applicant's house, 521 Elm Avenue, Block 211, Lot 19, and was taken by Ms. Ferrucci. The photograph also shows the chain link gate on the western side of the house which also shows the four (4 ft) foot chain link that continues along the rear of the property. Mr. Owen requested that the photographs to

be passed around after they are done describing them. Exhibit A-2: photograph is also a photo of the front of their house, but from across the street, this photo was taken by Mr. Grimm. This photograph is to show that the gate on the western side of the house and it cannot be seen from the road. Exhibit A-3: photograph is also showing western side of the house, but is focusing on the windows that overlook the rear yard. Exhibit A-4: is a photograph taken from inside their house showing the view from their dining room window. This photograph shows the vehicles parked up against the fence and the wood pile. Exhibit A-5: is four (4) photographs taken from the dining room window as well as one photograph taken from the left hand corner of the driveway. These photographs show the tree that was topped and the wood pile that was stacked up against the fence, the vehicles that are parked with no tags and the small boat parked in their yard. Exhibit A-6: are photographs taken from the dining room and kitchen window which shows a different angle of what was shown in the previous photographs. Exhibit A-7: photograph was taken in April from the dining room window and it shows three (3) cars in the grass parked side by side, a boat, two (2) trucks and the wood pile. Chairman Aspras asks the board if they have any questions for the applicants. Mr. Lowden asks if they had taken any steps to address this with the neighbor or through the Borough Offices. The applicants both replied no they have not. Mr. Ryder questioned about if the fence is on their property and if so, isn't the neighbor encroachment on their property. Mr. Grimm replied it looks like the fence is in their property according to their survey. Ms. Ferrucci then showed the board members the survey of where she highlighted the proposed replacement six (6 ft) foot fence. A question from the board came up from reviewing the Exhibits about what would they gain from this fence. Ms. Ferrucci stated they spend a lot of time in the kitchen and dining room and the fence will help them not to see what is in the neighbor's yard. Mr. MacDonald questioned if there is any kind of shrubs along that side of the house. Ms. Ferrucci stated no, because they have a sprinkler line that runs along the fence. She did ask her landscaper who did a mark out and the only option was to remove and relocate the sprinkler lines and it was discovered that there is a gas line that runs along the fence too. Chairman Aspras questioned the applicants about explaining the hardship of the land and why they couldn't just put a four (4 ft) foot fence up instead. Ms. Ferrucci stated the six (6 ft) foot fence would hide the neighbor's yard and the hardship for the land is in the future of them selling the property no one would want to buy their property because they could see the neighbor's property. Ms. Ferrucci questioned Mr. MacDonald that she believed her application is for a bulk variance. Mr. MacDonald said she is correct that she is requesting a bulk variance. He explained there are two (2) types of bulk variances. Their application falls under a C-Variance, which does include a hardship for the land. A question from the board was asking if the applicants know how high their windows are from ground level. Mr. Grimm stated maybe around five (5 ft) feet but is not positive. Mr. Ryder stated at in one of the exhibit photographs it shows a picture of the windows and the fence. The applicant stated the photograph in question is Exhibit A-3. Mr. Ryder pointed out the gate is three and a half (3 ½ ft) feet and the window is not much higher than that. Mrs. Hausmann questioned about how high is the chain link fence, because she heard four (4 ft) and now is hearing three (3 ft) feet. Ms. Ferrucci stated that she did measure the fence and it is a three (3 ft) foot fence. Mr. Ryder questioned the applicant by stating if they were looking at a rose garden or grass in the neighbor's yard would they still apply for a bulk variance. Then he directed a question towards the Zoning Officer asking him if the neighbor is in violation in any

codes. Mr. MacDonald swore in Clark Pierpont, Zoning Officer. Mr. Pierpont said he spoke with the applicants back in April about the fence and took a drive by the property. He stated that from the street he could not see any violation. Mr. Pierpont then asked the Borough's Code Enforcement Officer to go out to the property two (2) days later. The Code Enforcement Officer reported back at that time stating he could tell that there were vehicles parked back on the property from the street, but he could not see if they were register. He also stated that he did not see any violations at that time. Mr. Owen requested that Mr. MacDonald go over the Bulk Variances definition. Mr. MacDonald read the Land Use Law for C-2 Variance for the board members.

Open to the public.

None.

Close to the public.

Councilwoman Kelley requested that Mr. MacDonald read the Land Use Law for C-1 Variance. A motion was made by Mr. Lowden, second by Mr. Shirley to approve the application.

On voice vote:

Chairman Aspras (No) - application does not meet the criteria of the Land Use Law.

Mrs. Hausmann (No) - application does not meet the criteria of the Land Use Law and it will not benefit the town.

Mr. Lowden (Yes)- He believes the applicants tried other ways by looking into planting shrubs, however the gas lines are in the way and prevents it.

Mr. Ryder (No) – He believes the Land Use Law was written this way for a reason. The fence will not benefit the town.

Mrs. Stech (No) - Does not see the benefit of a six (6 ft) foot over a four (4 ft) foot would make a big difference.

Councilwoman Kelley (Yes) - She believes the applicants tried other options first before coming in for a bulk variance.

Mr. Owen (Yes) – The applicant is not looking to extend the six (6 ft) foot fence in the front of their property. It may help promote better neighbors.

Mr. Carter, 3rd (No) – The application does not meet the criteria of the Land Use Law and does not show any hardship.

Mr. Shirley (Yes) – He agrees with what Mr. Owen stated and he does not think in C-1 it would impair the community.

Vote: 4/5 – No's

- Mr. Slenkamp returned sitting with the board members and will be able to vote.

Report from Zoning Officer:

Mr. Pierpont gave the board his zoning report:

- 44 Zoning Permits issued year to date

- The Fazio agreement was signed off on by the Judge on May 29th. I would think we should start to see some of the improvements soon.
- 4 complaint investigations
- Sent out letters to service providers and Realtors regarding sign ordinance and will follow up with removals if necessary.

New Use Waiver Committee:

Mrs. Hausmann gave the board a report.

- Update on the West Jersey applicant for a massage parlor.
- Not many changes to the building.
- Apartments above will remain the same.

Mr. Carter, 3rd, questioned if the application was only for a massage parlor and if they wanted to have a tanning salon would they need to apply again. Chairman Aspras replied by stating no, because a tanning salon fits in the zoning. They would still have to go through the construction office for zoning permits, CO's and any other permits they would need.

Economic Development Committee:

Mr. Owen gave the board a report.

- Theater Avenue project moving ahead.
- Looking into grant money or possible 501C3
- Parking signs have been made up.
- May 21st walking tour of the old Sony site.
- Trying to bring back the light rail parking on the Sony site where Lambs Road and the train track connect.

Site Plan Committee:

None.

Subdivision Committee:

None.

Master Plan Committee:

Mr. Ryder gave the board his report.

- Engineer made up colored maps of the zoning map of what was discussed in meetings.
- Most of the changes were moving the zoning lines to match the lot lines.

Environmental Commission:

None.

Council Report:

Councilwoman Kelley gave the board her report.

- Last council meeting a company came in a spoke of using the old Armory for COAH.

- Mantua Township just built COAH units, and the company wants to do something similar to them.
- If the State approves COAH, these units will help the Borough out.

Other Business:

Chairman Aspras ask the board for input on the E-Mail system.

Mr. Ryder stated he would check it daily (every other day) and then an email would pop up that should have come in days earlier. Councilwoman Kelley said there has been a lot of problems with the email system lately, but does not experience it with her Borough Council email.

New committee is being formed. It is a committee that will handle all the loose ends that needs to be taken care of from the zoning officer. Chairman Aspras volunteered Mr. Romick and Councilwoman Kelley to the committee.

Chairman Aspras asked the board members if they were having problems logging on the site to file their Financial Disclosure Forms. Mr. Ryder stated he had problems at home the night before and today he spoke with the Borough Clerk, Judith O'Donnell, who walked him through the process.

Adjournment:

A motion was made by Mr. Lowden, second by Mr. Carter, 3rd. On voice vote: Chairman Aspras, Mrs. Hausmann, Councilwoman Kelley, Mr. Lowden, Mr. Ryder, Mr. Slenkamp, Mrs. Stech, Mr. Owen, Mr. Carter, 3rd , Mr. Shirley, Mr. Romick.

Respectfully Submitted,

Jessica Vernacchio