

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

## **Minutes of March 17, 2014**

### **Call to Order:**

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

### **Attendance:**

Chairman Aspras, Mrs. Hausmann, Mayor Johnson, Councilwoman Kelley, Mr. Lowden, Mr. Ryder, Mr. Slenkamp, Mrs. Stech, Mr. Carter, 3<sup>rd</sup>, Mr. Shirley, Mr. Romick

Absent members: Mr. Fijalkowski, Mr. Owen

\*Mr. Owen came into the meeting after roll call. Mr. Owen will be able to vote.

### **Advisors Present:**

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

### **Public Comments:**

Micky Smith, 470 Locust Avenue, Pitman, brought in an article that was written in the South Jersey Times about the Fazzio property across from his home. The article stated that back in February the judge ruled to give Mr. Fazzio some time to reach a settlement with the Borough. Mr. Smith is asking if the Borough would sit with him and a couple of others in the Association before agreeing to any settlement. Chairman Aspras asked Mr. Pierpont if there is anything else to add for Mr. Smith. Mr. Pierpont stated that Mr. Smith is correct that Mr. Fazzio gave a proposed settlement to the Borough. The proposal was forwarded to the Borough Solicitor for review and he is waiting to hear back from the Borough Solicitor.

### **Approval of February Minutes:**

A motion was made by Mrs. Stech, second by Mrs. Hausmann to approval the February Minutes with minor correction of Henry changed to Harry under Environmental Commission. On voice vote: Chairman Aspras, Mrs. Hausmann, Mayor Johnson, Councilwoman Kelley, Mr. Ryder, Mr. Slenkamp, Mrs. Stech, Mr. Owen

Abstain: Mr. Lowden

### **Historic Preservation Commission:**

Mr. MacDonald swore in Walt Madison.

2014-02: Rita & Frank Harder, 125 West Holly Avenue, B- 6, L- 1  
Fence

Applicant will put up a fence that is an approved fence for the Historic District.

2014-03: Stephen Ranson, SJDCCO, 185 East Avenue, B- 25, L- 2  
Roof

A motion was made by Mr. Slenkamp, second by Mrs. Stech to approve applications 2014-02 & 2014-03. On voice vote: Chairman Aspras, Mrs. Hausmann, Mayor Johnson, Councilwoman Kelley, Mr. Lowden, Mr. Ryder, Mr. Slenkamp, Mrs. Stech, Mr. Owen

**Bulk Variance Request: Edward Sheridan- 108 Clinton Avenue:**

Chairman Aspras explained to the board that there are three things they need to be aware of before they have the applicant get started on their testimony. The application is for a Bulk Variance and there is a question as of the use and if it requires a Use Variance and last if a Site Plan is required.

Gary Thompson, Ware, Streitz & Thompson, attorney for the applicant Mr. Edward Sheridan, 3<sup>rd</sup>. Mr. MacDonald swore in the applicant, Mr. Edward Sheridan, 3<sup>rd</sup>, 110 Northwest Avenue, Pitman, New Jersey. Mr. Thompson then gave the board a brief description of his client's property and what he is opposing to do. The property is located on 108 Clinton Avenue which is on the southeast corner of Clinton Avenue and Beechwood Avenue and is zoned C-2, Commercial District. The applicant is here tonight for three purposes and the first is to amend the application under present use section from manufacturing to service shop. Mr. Thompson stated that he will have his client, Mr. Sheridan, 3<sup>rd</sup> give testimony for the reasoning. In the Borough Ordinances under section 15-10.1, manufacturing is not a permitted use under the C-2 district. His client did not advertized for a C-Variance and did not give proper notice to the South Jersey Times and resident's within 200 feet. Mr. Thompson stated that his client will notice the newspaper and residents within 200 feet, if the board feels that his business is to be a manufacturing business. The second purposed is to request for bulk variances and last is to ask for a site plan waiver, but Mr. Sheridan, 3<sup>rd</sup> will agree to a grading plan for the engineer to review.

Mr. Thompson will now have his client, Edward Sheridan, 3<sup>rd</sup>, give testimony on what transpires at the business location. Mr. Thompson asks Mr. Sheridan, 3<sup>rd</sup> to give the board his position at the business. Mr. Sheridan, 3<sup>rd</sup> is the Treasurer and Vice-President of Sheridan Optical. Mr. Thompson asks Mr. Sheridan, 3<sup>rd</sup> to explain what Sheridan Optical is. Mr. Sheridan, 3<sup>rd</sup> stated that the business is an optical/wholesale lab, which an eye doctor would send their customer's new eyeglasses frames to them to cut the lenses and add the prescription to the lens. Mr. Sheridan, 3<sup>rd</sup> brought in a sample of the lens that his business purchases from a manufacturer. Mr. MacDonald labeled the sample lens exhibit 1. The sample shows the board members that his business does not manufacture the lenses, but is more like a finisher. His business takes that manufactured lens and then grinds the inside surfaces of it to create the prescription. After the grinding, they take the lens and cut it into shape of the costumer's frames and add whatever coatings are requested to the lenses. Mr. Thompson then questioned Mr. Sheridan, 3<sup>rd</sup> about the original wording on his application under present use. Mr. Sheridan, 3<sup>rd</sup> stated that he had

his contractor go into the Borough to fill out the application and never thought that leaving manufacturing as a present use would affect his application under a C-2, Commercial District zone. Mr. Sheridan, 3<sup>rd</sup> stated that his business is not a manufacture, but more like a finisher. Mr. Thompson read to the board the permitted uses under C-2 zoning and compared Mr. Sheridan's business similar carpentry. Chairman Aspras asks the board members if they have any questions about how the business is operated. Mr. MacDonald stated to the board members that they just heard testimony from the applicant on why they believe the application should be amended to say finisher and not manufacturer and now must motion whether to agree with the testimony given or have the applicant come back and advertize for a C-Variance. Chairman Aspras questioned Mr. Sheridan, 3<sup>rd</sup> about what kind of operation would be done in the new addition that he plans to build. Mr. Sheridan replied by stating the new addition would save his business money and time by doing all the coding on the lenses in house instead of outsourcing. Mrs. Hausmann questioned if there would be any smell or residue from the business. Mr. Sheridan, 3<sup>rd</sup> replied by stating it is kept in house and there is not really any hazardous fumes produced. Mr. Carter, 3<sup>rd</sup>, stated to the board that the business is taking raw material and is producing new material with machines and he believes that this business is still considered a manufacturing business and would need to apply for a C-Variance. Chairman Aspras agrees with Mr. Carter, 3<sup>rd</sup> and wants the board to discuss their positions before a motion is made. Mr. MacDonald explained to the board that the current business in the main building is grandfathered in the C-2 zone and the reasoning that it is being questioned is because the applicant is expanding his business which now a nonconforming use and it would require a C-Variance, unless the board agrees with the applicant that the business is not a manufacturing business. Mr. Owen stated to the board that he agrees with the applicant that the exhibit 1 is the manufacture not Sheridan Optical. Mr. Slenkamp stated he also agrees with Mr. Owen that the business is not a manufacturing business. Mr. Shirley stated that there is no raw material used to produce a product that would then be refined. They are using raw material to finish or assemble to furthering define a product. Mr. Ryder questioned the applicant about how the product is shipped out of the business. Mr. Sheridan, 3<sup>rd</sup> stated that they use companies like UPS and Fed-Ex to receive and ship finished lenses.

A motion was made by Mr. Owen, second by Mr. Ryder that a C-Variance (Use Variance) is not required and to accept the amended present use from manufacturing to refinishing. On voice vote:

Ayes: Mrs. Hausmann, Mayor Johnson, Councilwoman Kelley, Mr. Lowden, Mr. Ryder, Mr. Slenkamp, Mrs. Stech, Mr. Owen

Abstain: Chairman Aspras  
8/1

Mr. Thompson will now ask testimony from Mr. Sheridan, 3<sup>rd</sup> about the bulk variances. Mr. Thompson questioned Mr. Sheridan, 3<sup>rd</sup> about how many employees are employed currently at Sheridan Optical and will there be any employee increase with the expansion and give the hours of operation. Mr. Sheridan, 3<sup>rd</sup> stated currently they have a total of sixteen (16)

employees and will not hire more employees. The hours of operation are weekdays from 6am to 4pm. Mr. Thompson questioned about deliveries from the business. Mr. Sheridan, 3<sup>rd</sup> stated that no tracker trailers are used and they use companies like UPS to accept and send out lenses and deliveries will decrease with the expansion of the business. Mr. Thompson questioned if the business is open to the public. Mr. Sheridan, 3<sup>rd</sup> replied no customers come to the business, so public parking is not needed. Mr. Thompson then gave two photographs to Mr. MacDonald to enter in exhibit. Mr. MacDonald labeled the photographs as exhibit 2 and as exhibit 3. Mr. Thompson asks Mr. Sheridan, 3<sup>rd</sup> to describe to the board members the surrounding properties. Mr. Sheridan, 3<sup>rd</sup> stated that behind Sheridan Optical on lot 8 is a transmission shop which is where the proposed expansion would be facing. Mr. Thompson then passed to the board members, exhibit 2 that shows a photograph of a rack of transmissions that is up against the fence which was taken earlier in the day by Mr. Sheridan, 3<sup>rd</sup>. Mr. Thompson then questioned, Mr. Sheridan, 3<sup>rd</sup> about the business on lot 7.01. Mr. Sheridan, 3<sup>rd</sup> stated that the owner is Richard Fazzio and believes he stores concert molds which is facing his building. Mr. Thompson then asked Mr. Sheridan, 3<sup>rd</sup> to describe exhibit 3 to the board members. Mr. Sheridan, 3<sup>rd</sup> stated that the photograph is a picture of the side of his building where the proposed addition would be placed. Mr. Thompson went through the bulk requirements from Mr. Kernan's review letter dated March 13, 2014. Mr. Sheridan, 3<sup>rd</sup> testified that the addition will have no affect on the front yard setback and it is not feasible to move the proposed addition back to complied with the front yard setback. The rear yard setback cannot conform due to the location of the transmission shop to the rear of the property and there is nowhere else to place the proposed addition. Mr. Ryder questioned about the trailers located on the North side of the survey. Mr. Sheridan, 3<sup>rd</sup> stated that the trailers are storage trailers for the office paperwork. Mr. Ryder questioned if he considered that location for the proposed addition. Mr. Sheridan, 3<sup>rd</sup> did look into that location to place the addition, but it would also need a variance setback off the street and placing the building in that location would not work with the way the business' work flow is operated. Chairman Aspras questioned if there will be any accouchement on the Fazzio, lot 7.01, property line. Mr. Thompson replied by saying there is one foot (1 ft) off the lot 7.01 property line and on lot 8 the addition will be right on the property line. Councilwoman Kelley wanted Mr. Sheridan, 3<sup>rd</sup> to confirm that the new proposed addition is placed where it works out the best for the businesses' work flow. Mr. Sheridan, 3<sup>rd</sup> replied yes. Mr. MacDonald questioned Mr. Thompson about repairs that would have to be done on the addition in the future and is there any type of easement needed since the building would be right on the property line. Mr. Thompson replied by saying the physical building wall is off the property line by one foot (1ft) and the roof overhang will be on the property line. Mr. Kernan stated to the board that Mr. Thompson covered all opened ended questions on his review letter dated March 13, 2014. Mr. Kernan stated that the applicant agreed to do a grading plan which will cover the drainage issues, and if the grading plan shows that an easement is needed to enter on lot 7 then the board can make that as a condition. Mr. Thompson stated that Mr. Sheridan, 3<sup>rd</sup> agreed to move the building an additional one foot (1ft) to make it a total of two feet (2ft) off the property line.

Open to the public.

No public comments.

Closed to the public.

Mr. MacDonald stated to the board members that the applicant, Mr. Sheridan, 3<sup>rd</sup> testified reasons for hardship. He also agreed to move the addition two feet (2ft) off of lot 8 and one foot (1ft) off of lot 7.01. Another condition was to have Mr. Kernan review the grading/drainage plan and if easements are needed from the adjacent property owners then Mr. Sheridan, 3<sup>rd</sup> will request them.

A motion was made by Mayor Johnson, second by Mrs. Stech, to approve the Bulk Variances subject to the conditions; two feet (2ft) setback off the property line on lot 8, one foot (1ft) setback off of lot 7.01, submission of the easements subject to the grading/drainage plan approval from the engineer, Mr. Kernan. On voice vote:

Ayes: Chairman Aspras, Mrs. Hausmann, Mayor Johnson, Councilwoman Kelley, Mr. Slenkamp, Mrs. Stech, Mr. Owen

Nays: Mr. Lowden, Mr. Ryder  
7/2

Mayor Johnson mentioned that one of the major reasons to request a site plan would be because of parking and public parking is not an issue for this application. No other discussion was made by the board.

A motion was made by Mayor Johnson, second by Mr. Owen to waive the full site plan. On voice vote:

Ayes: Chairman Aspras, Mrs. Hausmann, Mayor Johnson, Councilwoman Kelley, Mr. Lowden, Mr. Ryder, Mr. Slenkamp, Mrs. Stech, Mr. Owen  
9/0

**New Use Waiver Committee:**

Mrs. Hausmann stated that the committee reviewed and approved an application that was submitted last month. The applicant would like to open a beauty salon (hair salon) which is an improved business in the zone.

**Report from Zoning Officer:**

Mr. Pierpont gave the board his zoning report:

- 12 Zoning Permits issued year to date

- Court date for Fazio violations is currently scheduled for Thursday, April 17, 2014. Working with Borough Solicitor on a “proposed settlement” submitted by Fazio’s attorney.
- Another new use waiver application handed out.
- Temp. sign violations going up faster than he can take down.
- Two complaint investigations.

**Economic Development Committee:**

Mr. Owen gave the board a report.

- Met on the 20<sup>th</sup> of February.
- Meeting was mostly on the Theater Avenue project.
- Intern will be looking into any Grants.
- Parking is still an issue that was discussed.
- EDC is going to be purchasing directional parking/business signs.
- Next meeting held is this Thursday, March 20<sup>th</sup> 7pm.

**Site Plan Committee:**

None.

**Subdivision Committee:**

None.

**Master Plan Committee:**

Mr. Ryder gave the board his report.

- Met with Mr. Kernan on Monday, March 10<sup>th</sup>.
- COAH is starting to come up again from a court ruling.

Mr. MacDonald stated that the Supreme Court gave towns till May 1<sup>st</sup> to give numbers on how many units each have. Mr. Ryder stated that the Borough has three (3) more years till the next re-examination report needs to be done and that the committee will starting looking in to it.

**Environmental Commission:**

Mr. Slenkamp gave the board his report.

- Commission met on March 6<sup>th</sup>.
- Chairman Holwitt will be submitting a budget soon.
- Harry Walker will stay until a replacement is found.

**Council Report:**

Councilwoman Kelley gave the board her report.

- Last Budget meeting will be held this Wednesday, March 19<sup>th</sup>.

**Other Business:**

None.

**Adjournment:**

A motion was made by Mrs. Stech, second by Mrs. Hausmann. On voice vote: Chairman Aspras, Mrs. Hausmann, Councilwoman Kelley, Mrs. Stech, Mr. Owen, Mr. Romick.

Respectfully Submitted,

Jessica Vernacchio