

**Borough of Pitman
Combined Planning/Zoning Board
Minutes of September 17, 2018**

Call to Order:

Chairman Aspras called the meeting to order at 7:00 pm

Attendance:

Chairman Aspras, Councilman Weng, Mrs. Kelley, Mr. Lowden, Mr. Owen, Mr. Slenkamp, Mrs. Stech, Mr. Franchi, Mr. Scutt

Mrs. Kelley, Mr. Lowden, Mr. Slenkamp, and Mrs. Stech arrived after Roll Call.

Absent Members: Mr. Fijalkowski, Mr. Ryder, Mr. Romick

Advisors Present: Mr. MacDonald, Solicitor, Tim Kernan, Planner/Engineer, Walt Madison, Historic Preservation Commission, Clark Pierpont, Zoning Officer

Public Comments:

Chairman Aspras opened the floor to **Public Comments.**

Mr. MacDonald swore in Mr. Joseph Falkenstein, 54 Longmere Ave. Mr. Falkenstein explained that he and his sister, Karen, purchased the property at Glen Lake, 54 Longmere Ave., the former Robin's Nest. Mr. Falkenstein wanted to inform the board of their intentions for the property.

He stated that they are in the process of renovating the grounds, as well as the upper floor, where his sister and her family will reside. The lower floor will be turned into either a Bed and Breakfast, or housing for music students at Rowan.

In exchange for the housing the students would be providing free concerts in the park for the community. Their thinking is that this property would be a combo use, for both Bed and Breakfast, and / or

housing for students, along with providing a use for the community of Pitman for small events.

He then asked if there was any initial informal feedback from the board.

Mr. MacDonald stated that Mr. Falkenstein needed to work with the Zoning Officer as to what variances needed to be applied for and whatever other requirements needed to be addressed. Mr. MacDonald also clarified that any changes would require input from the board.

Chairman Aspras asked for any other public comments, there were none. He then closed the **Public Comment** portion of the meeting.

Approval of August 2018 Minutes

A motion was made by Mr. Owen and second by Mrs. Kelley to approve the August 2018 minutes. On voice vote: Councilman Weng, Mrs. Kelley, Mr. Lowden, Mr. Owen, Mr. Slenkamp, Mrs. Stech, Mr. Franchi, Mr. Scutt

Historic Preservation Commission:

Mr. MacDonald swore in Mr. Madison

Application Number 2018-44: Christina Doeblor, 18 Pitman Ave.

B-74 L-10

Sign

Application Number 2018-45: Borough of Pitman, 100 Circle Ave.

Grove Auditorium

B-16 L-1

New roof, restoration and painting of
Pillars and rail spindles

Installation of bird netting inside cupola

Application Number 2018-46: John Lickfield, 115 Northeast Ave.

B-11 L-4

Fencing

Application Number 2018-47: Alice O'Byrne, 146 6th Ave.

B-19 L-2

Repair of porch and steps/replace
Handrail

Application Number 2018-48: Joshua Meehan, 202 West Ave.

B-188 L-29

Replace & repair roof and porch deck

Application Number 2018-49: Emily Matthias, 56 S Broadway

B-2 L-3

Awning

Application Number 2018-50: Roseanne Stefarkiewicz, 210 West Ave.

B-188 L-31

Double doors on front/Single door side
20 double hung windows

A motion was made by Mr. Lowden and second by Mrs. Stech to
approve all seven Applications 2018-44 through 2018-50.

On voice vote: Chairman Aspras, Councilman Weng, Mrs. Kelley, Mr.
Lowden, Mr. Owen, Mr. Slenkamp, Mrs. Stech, Mr. Franchi, Mr. Scutt

Chairman Aspras then opened the **Public Hearing** portion of the
meeting, for a Variance and Minor Subdivision – Paul & Patricia Burgio

B-170 L-1

706 Cedar Ave.

Mr. MacDonald swore in Mr. Paul Burgio, 210 Karen Drive, South
Harrison Twp., NJ and Mr. James Brandenberger, 1201 Golf Road,
Cinnaminson, NJ.

Mr. Burgio stated that they had previously applied for a minor
subdivision with a variance in 2006 with the board granting the
application. At that time, there was a large home on the property that
was demolished, and the application approval for the minor subdivision

and variance allowed for the construction of two new homes on the lot. He then stated that they had failed to file the deeds, and are starting the process over again.

Mr. Burgio went on further to say that they now have a contingent sales agreement with Mr. Brandenberger of Pitman Properties LLC., and have come before the board to answer any questions that the board may have.

Chairman Aspras asked if the variance and plans were the same now as in 2006. Mr. Burgio stated that they were, and that the only difference was the last time they came before the board the original house was still standing.

Mr. MacDonald asked to see copies of the plans. Upon reviewing them, Mr. MacDonald reported that the plans submitted and applied for in 2006 are the same as the plans currently submitted. In addition Mr. MacDonald stated that there were several conditions attached to the original approval.

The main condition being that the structure would be taken down. Mr. MacDonald then listed the other conditions including, demolition and removal of the dwelling, demolition and improvement of the lots, compliance with DEP and other governmental regulations, amend the proposed minor subdivision plan, compliance with building area requirements, 15-4.2b, which, has a new designation in our new ordinance 35-4.2b, that requires a maximum of 20% coverage for a 2 story dwelling and 25% coverage for 1 ½ story.

Also a condition, driveway access for both single family homes, would be constructed on the two resulting lots and will open to Tuohy Ave., and be located to the sides of the dwellings closest to Cedar Ave.

Mr. MacDonald then stated that those were the conditions then in 2006, and that those conditions do not bind the current board, as this is a new application.

He then reported that a resolution to confirm the minor subdivision and extend the filing of the deeds was filed on Sept. 18 2006.

Resolutions to further extend the filing were also filed on Feb. 19, 2007, and Sept. 17, 2007.

Mr. MacDonald then asked Mr. Burgio if he agreed with the referenced dates and Mr. Burgio said that he did agree with these dates for the extensions were accurate.

Chairman Aspras asked if there were any other comments or questions. He then asked Mr. Burgio about a fence, that he himself had observed in the center of the property. Mr. Burgio answered that the fence was for security and liability.

Mrs. Kelley then asked if the foundation and basement were still intact. Mr. Burgio answered that they were not, that it is leveled ground.

Mr. MacDonald then asked if Mr. Burgio had any objections to any of the conditions that were imposed in 2006. Mr. Burgio said he did not.

Chairman Aspras then recognized Mr. Kernan Planner/Engineer for the Combined Planning/Zoning Board for the Borough of Pitman.

Mr. Kernan reported that the application submitted by Mr. Burgio is complete from a submission requirement stand point for a minor subdivision plan. He stated that the applicant, Mr. Burgio was before the board for a Lot Area Variance.

He pointed out, that both lots in question require variances. Our code requires a minimum area of 11,250 sq ft. One of the lots proposed is 9,900 sq. ft. and the other is 11,100 sq. ft, with the parent lot being 21,000 sq. ft. and that a variance is required for lot area.

If approved the lots would now front on Tuohy Ave. with the new lots being 120 ft. deep. If that were the existing lot it would be grandfathered if it had less than 150 ft. deep, and there would be a lesser minimum of 9400 sq. ft. lot area. Also most all of the corner lots

that are on Cedar have the homes facing Cedar. He further stated that this grandfathering was meant for interior homes and not corner lots. The same bulk variances being requested for lot area in 2006 are being requested in 2018. Lot width conforms as proposed building area and the applicant should be prepared to testify as this building plan has less information than the previous plan. Mr. Burgio could testify that he will comply with the **building area** whether it would be a two story or one story home built on each lot. Mr. Burgio then agreed that he would comply.

Mr. Kernan also stated that the deeds and legal scripting would be submitted and reviewed by Mr. MacDonald and himself and then recorded. Lot numbers would be approved by the County Tax Assessor. Chairman Aspras asked what the maximum house size would be for the two lots. Mr. Kernan stated that the one lot is 9900 sq ft, so a single story home would be 20%, and for a two story home it would be 25% of the lot size.

He then reported that the sidewalk exists on both frontages and not in horrible shape. There will be new curb cuts and driveway aprons and a new section of sidewalk and perhaps removal of the existing driveway.

Councilman Weng asked if it were accurate to say that this is the same exact plan that was approved in 2006 and that the only reason it is here is because of the failure to record the deeds. Mr. Kernan replied yes.

Chairman Aspras then opened the floor to the public. Mr. MacDonald swore in John Coles, 432 Florence Ave. Mr. Coles stated that he would like to see the project move forward, as he remembers what the property looked like before and now it is pretty much an eyesore and he would be in favor of whatever goes there.

Mr. MacDonald swore in John Smalls, 604 Cedar Ave. Mr. Smalls stated that he lives in the neighborhood, and that he agrees that the property needs to be repaired and replaced and is in favor of redeveloping the

lot. However, since there are several stately homes on Cedar and they create quite a view as you come around the corner, he would like to see one stately home and not two smaller homes.

Mr. MacDonald swore in Jane Suhoskey, 616 Cedar Ave. Ms. Suhoskey stated that her driveway would face the two houses and the driveways of the proposed new homes. She expressed the following as her concerns. She feels that the two homes in place of one would make an environmental impact on Pitman, and that these homes would be exactly like the homes that the builder has already constructed in town, resulting in there being too many homes with the same design and frontage. She is also concerned that if the homes cannot be sold they will become rentals as we are next to a college town. She then explained that she chose to live here because of her love for Pitman. She did not want to live in an area where all the houses look alike and with crowded neighbors.

Mr. MacDonald swore in Lisa Morgey, 411 Tuohy Ave. Ms. Morgey asked to see the proposed lot layout. Upon viewing the proposed subdivision, Ms. Morgey informed the board, that she has lived directly adjacent to this property for 20 yrs and had never been notified by mail of anything being proposed concerning the prior hearing. She then asked would the existing driveway stay in that position. Ms. Morgey then located the existing driveway apron for Mr. MacDonald on the plans for the proposed subdivision. The driveway mentioned, being directly along her side yard, and the only usable yard for her home.

Chairman Aspras asked what the set back would be. Mr. Kernan said the aggregate was 30ft. and the minimum not less than 12ft. Ms. Morgey then asked if they were single family homes. Mr. Brandenberger answered yes, that they were single family.

Chairman Aspras closed the public portion and then asked Mr. Brandenberger to address the public's questions beginning with Ms. Morgey's question, concerning the location of the driveway.

Mr. Brandenberger stated they would honor the existing setbacks but since they had not sold a house yet he cannot be sure what the building plan would be, however, there is enough width in the lots that they can be flexible. He then asked if the location of the driveway was supposed to be located on the closest side of the lots to Cedar Ave. according to the original approval. Mr. MacDonald then read the prior approval and it was discovered that the plans referenced the driveways needed to be open to Tuohy Ave. and located closest to Center Ave., which is going towards the lake and not Cedar Ave. The existing driveway apron is then located in the proper position.

Ms. Morgey stated that she was satisfied with the location of the driveway as long as it gave her some distance between her home and the new construction.

Chairman Aspras then asked Mr. Brandenberger about the style and architecture of the proposed homes to be built. Mr. Brandenberger reported that the homes that they are constructing on Pitman Ave. and Fernwood Ave. are just two of the models they will be offering, along with a portfolio of other homes. He also assured the board that it has been his experience that most home buyers do not want their home to look the same as their neighbors and he does not anticipate these new houses having a cookie cutter effect.

Mrs. Stech asked about the neighbors concerns for building two homes instead of one stately home. Mr. Brandenberger stated that one stately home would sell for \$600,000.00 and this is not the market for that type of home. Mr. MacDonald then reminded the board that the original dwelling consisted of 5 rental units, as it was a large older home.

Mr. Scutt asked if it were feasible to turn one of the homes to face Cedar. Mr. Brandenberger said that there is a large bank there and a

retaining wall would need to be built. Mr. Kernan suggested that they may be able to turn the front of one of the homes to Cedar and have a side loading garage. Mr. Brandenberger did not want to commit to that without talking to his marketer. He then stated that Cedar is a County road and thought that he may have a problem getting approval for a driveway fronting Cedar as long as he had another option. Mrs. Kelley agreed that she would prefer that at least one of the houses faces Cedar. Mr. Owen then used Poinsett Ave. as an example stating that both leading houses face Poinsett and that other than these, all the houses on Cedar actually front Cedar Ave.

Mr. Brandenberger then said that the backyards would be affected if they faced Cedar and not Tuohy Ave. He then stated that it would be easier to market the homes for sale if they faced Tuohy.

Chairman Aspras asked if they were to face one property to Cedar Ave would they need an additional variance. Mr. Brandenberger said that without looking at the existing setbacks on the homes on Cedar that he would not want the house to be out much in front of them. Chairman Aspras stated that from the aerial view the setbacks on the current houses on Cedar vary.

Mrs. Kelley asked when they are anticipating breaking ground on the property. Mr. Brandenberger said that once the deeds are recorded it may take them into the winter, if longer, they will wait until spring.

Mrs. Kelley said the property is currently an eyesore to the neighborhood. Mr. Brandenberger stated they would clean up and grade the property as the neighbors have lived with the conditions for years.

Chairman Aspras asked about fencing. Stating that if there is any proposed fencing along Cedar it would require picket. Mr. Owen said he was thinking the same thing, being as the side yard fence could come up to the house. What about privacy and what would the potential be on the Cedar side of the home? Mr. Brandenberger asked would the board stipulate picket. Chairman Aspras stated that they would put it into the resolution.

Mrs. Kelley asked Mr. MacDonald to go over the conditions that were stated in the original resolution again. Mr. MacDonald complied.

A motion was made by Councilman Weng to approve the minor subdivision with the variance, as long as the conditions in the original approval are all met, and in addition, the fence be picket (per code), the styles be architecturally different (not identical) from the other, and that the builder work with our engineer in a good faith effort to face one of the homes to Cedar Ave., and was second by Mrs. Stech.

On voice vote **to approve:** Chairman Aspras, Councilman Weng, Mrs. Kelley, Mr. Lowden, Mr. Owen, Mr. Slenkamp, Mrs. Stech, Mr. Franchi, Mr. Scutt.

Chairman Aspras then introduced the topic of Airbnb in Pitman, turning it over to Councilman Weng, who then reported that at the last Borough Council meeting a resident of Columbia Ave. reported that there is a home on this street being operated as an Airbnb by the homeowner who does not reside there. The resident complained that there are people in and out of the home at all hours of the night, they have loud parties, and that the trash doesn't get put out on the correct day and it sometimes sits there all week. Council instructed the resident that if there was a noise issue they should call police and trash issues should be referred to the code official.

The mayor had asked Councilman Weng to present it to the Planning and Zoning board to see if there were any zoning violations.

Councilman Weng said that from what he could tell, as far as what is currently written, there are no violations. Mr. Pierpont agreed, there is no minimum requirement, as to the stipulation whether the rental period is a week or a year. Councilman Weng then said that he had checked with our Housing Official, Ryan Pearson, and that this property was all up to date and compliant.

Mr. Mac Donald stated that he does not have a simple answer. There is a bill in the legislature addressing this question and giving power to

the municipalities to regulate the Airbnb concept. Mr. MacDonald then said that the bill hasn't passed yet, but should not be required for a municipality to set up a regulation for minimum rental.

There is nothing in our current municipal land use that would prevent someone from renting for a day. The question would be, do we want to put a minimum requirement on rental properties. Chairman Aspras said that he felt the Airbnb was a good concept, but we certainly don't want hotels in residential areas.

Mr. Owen stated that we should check with one of our neighboring towns in the surrounding area to see if they have anything on the books in reference to Airbnb, as we should get something put into place.

In addition there were suggestions from a neighbor (not identified) of this property, as to what he felt should be added to our current zoning ordinances, in reference to Airbnb's.

Chairman Aspras then opened the meeting to the update on the Motus Project. He reported that the property in question, a portion of which is in Pitman, has not been purchased as of yet, and that the Mayor has formed a task force that will refer to the Planning & Zoning board.

Councilman Weng then added that there will be an open meeting and presentation on Monday September 24th, by a representative from Motus. Chairman Aspras encouraged everyone on the board to attend this meeting.

Mr. Kernan then reported that Harrison Twp. Committee adopted the redevelopment plan two weeks ago, that Mantua Township would be approving it tonight and Glassboro within the next two weeks. Mrs. Kelley then asked if any of the other townships were requiring environmental impact studies. Mr. Kernan answered just whatever is in their existing site plan, sub-division, and zoning codes. Mrs. Kelley asked if it would cover our lake. Mr. Kernan said that phase one normally covers the property itself and then some of the surrounding environment, so probably the Lake would be included. The subject of

Lipari Landfill was brought up and Mr. Kernan stated that he is sure they are aware of the location of the landfill. He further went on to explain the intention of only one, main controlled, vehicle entrance, off of Rte 322 and only one emergency access, off of Lambs Road over Rte 55. There is also the possibility of gates off of Carew Ave. where pedestrian, bike and stroller access will be available. Councilman Weng confirmed with Mr. Kernan that there is no plan for vehicular access off of Carew Avenue.

There was further discussion of sound proof walls to surround the facility and drainage concept plans.

Report From Zoning Officer:

Mr. Pierpont reported that his office has issued 93 permits YTD.

In reference to the earlier topic of short term rentals, he stated that the first thing the board should do is decide if they are going to allow Airbnb's, then write the ordinance.

He reported that his office has received a lot of interest in the Fazzio property and some of their violations. They are having trouble growing trees as a buffer between them and the bank. He has had Groff's do some soil testing as there may be contamination from the Sunoco station that is hindering the trees from growing.

Mr. Pierpont is working with Mr. Fazzio on some sort of fencing in its place. He will be bringing this to the board when a decision is made by Mr. Fazzio as it is supposed to be a barrier of trees. He continued, saying that there are still problems with the trucks idling early in the morning, parking issues and the scrapping.

Mr. Pierpont then stated that Mr. Fazzio knows that if the issues are not resolved in a short amount of time it will be referred to the Borough Solicitor and will be going to Superior Court.

New Use Waiver Committee:

Nothing new to report

Historic Commission Update:

No update

Economic Development Committee:

Mr. Owen reported that there was no meeting last month but the Committee would meet this Thursday evening at 7:00 in council chambers.

Site Plan Committee:

No report

Subdivision Committee:

Mrs. Kelley - as reported earlier in the evening

Master Plan Committee:

No report

Environmental Commission:

Mr. Slenkamp reported that there was a brief discussion about the Motus project. A list of issues was put together that should be looked at in the course of the studies. Service water runoff issues, ground water, air light and noise pollution and traffic access.

The commission also passed a resolution to purchase \$540.00 worth of replacement trees for Ballard, Shertel and Betty Park.

Council Report:

Councilman Weng reported that the issues discussed this evening were also the major issues at the last Borough Council meeting. He urged all members of the Planning & Zoning Board, to attend the next Council meeting on September 24th, where representatives from Motus will be making a presentation to the Borough.

The topic then turned to those members on the board that are opposed to, and those that are in favor of Airbnb's. There were pro and con opinions expressed by most all members of the board.

Those opinions against, included, the property being used for a commercial use in a residential area, some members not wanting an Airbnb located in their own neighborhood, individuals buying Pitman properties with no interest or roots to the community, far too many rental properties exist already, no asset to the community, and the ability to enforce the regulations that would need to be put into place.

Some members expressed that they were not actually opposed to the idea as we need to keep up with the changing times. These members also agreed that they aren't in favor of a proliferation of Airbnb's, however, if we could perhaps impose a time stipulation, along with other regulations it would best serve our community.

Mrs. Stech made a motion and second by Mr. Franchi to adjourn. All in favor.

Respectfully Submitted,
Connie Anderson