

**Borough of Pitman  
Combined Planning/Zoning Board Meeting  
Council Chambers  
Minutes of March 20, 2023**

**CALL TO ORDER:**

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

**ATTENDANCE:**

Chairman Aspras, Mrs. Stech, Mayor Razze, Councilman Fitzpatrick, Mr. Ryder, Mrs. Kelley, Mr. Fijalkowski, Mr. Slenkamp, Mr. Owen, Mr. Romick, Mr. Franchi, Mr. Austin

**ADVISORS PRESENT:**

Solicitor: Mr. Dasti, Historic Commission: Debra Higbee, Zoning Officer: Roy Duffield

**ABSENT MEMBERS:**

Mr. Scutt

Chairman Aspras advised the Board that after reviewing the proposals received through the Request for Proposal process and interviewing candidates for the position of Board Solicitor, the Chairman recommends to the Board that Christopher Dasti, Esq., of the firm Dasti and Associates, be appointed to the position of Board Solicitor for the remainder of the year 2023.

Mr. Dasti introduced himself and his associate, Brian Clancy. Mr. Dasti provided detail on his firm and his experience in representing municipal boards.

Chairman Aspras entertained questions from the Board. Mr. Owen noted that Mr. Dasti has 6 attorneys in the firm, and asked how many times he would estimate that an alternate attorney would be sent to Pitman. Mr. Dasti advised that he would be the primary attorney for Pitman, and his alternate would be Mr. Clancy. It is the firm's practice to always have 2 lawyers associated with public clients for continuity. Mr. Dasti noted that his firm has represented clients in South Jersey, particularly South Harrison and Washington Township.

There being no further questions, motion by Councilman Fitzpatrick second by Mrs. Stech to appoint the firm of Dasti and Associates as Planning/Zoning Board Solicitor for the term March 20, 2023 to December 31, 2023.

Roll call:

Chairman Aspras: **YES**

Mrs. Stech: **YES**

Mayor Razze: **YES**

Councilman Fitzpatrick: **YES**

Mr. Ryder: **YES**

Mrs. Kelley: **YES**

Mr. Fijalkowski: **YES**

Mr. Slenkamp: **YES**

Mr. Owen: **YES**

**APPROVAL OF FEBRUARY, 2023 MINUTES**

Mr. Slenkamp motioned, second by Mr. Ryder to approve the February 2023 minutes.

Chairman Aspras: **YES**

Mrs. Stech: **YES**

Mayor Razze: **ABSTAIN**

Councilman Fitzpatrick: **YES**

Mr. Ryder: **YES**

Mrs. Kelley: **ABSTAIN**

Mr. Fijalkowski: **ABSTAIN**

Mr. Slenkamp: **YES**

Mr. Owen: **YES**

**PUBLIC COMMENTS:**

None

**HISTORIC PRESERVATION COMMISSION:**

Mr. Dasti swore in Debra Higbee, Vice Chair of the Borough of Pitman Historic Preservation Commission.

Mr. Higbee advised that at the March 9 meeting, the Commission reviewed 2 applications. The first application was approved; the second application was not approved.

Mrs. Higbee presented the following application for approval:

**Application 2023-10**

**Front door and storm door**

**Jennifer Lucas**

**139 3<sup>rd</sup> Avenue**

**Block 11/Lot 38**

Mrs. Higbee noted that the following application was not approved by the Historic Preservation Commission:

**Application No. 2023-11**

**Fence and lattice**

**Nicholas Renn**

**178 West Ave**

**Block 188/Lot 22**

Mrs. Higbee provided detail on the fence and lattice at this property. The property owner was given a year in 2022 to correct a fence in the back yard that did not meet guidelines, and that was never done. The one year time line on that has expired. In addition, the property owner has installed a non-compliant fence in the front yard and lattice on the porch. Mrs. Higbee noted that the Historic Preservation Commission could not address the lattice. The fence does not meet guidelines.

Chairman Aspras asked if a violation notice was issued – Mrs. Higbee was not sure because the Borough Zoning Officer was told to leave the property by the homeowner.

Mayor Razze advised that the Borough hired a conflict zoning officer to inspect the property, and the conflict zoning officer has confirmed that the fence is non-compliant.

Zoning Officer Roy Duffield was sworn in by Mr. Dasti. Mr. Duffield provided additional background on the non-compliant issues at this property. Mr. Duffield noted that a violation notice was sent to the property owner. That resulted in a request from the property owner’s attorney for a conflict zoning officer. Once the conflict zoning officer confirmed the violations, Mr. Duffield issued a zoning denial and gave the property owner 60 days to correct the violations and resubmit the application(s).

The property owner did submit both zoning and historic applications. Chairman Aspras asked for confirmation that the applications being considered were submitted after the violation notice had been issued – Mr. Duffield advised that is correct.

**Motion made by Mrs. Stech, second by Chairman Aspras, to approve Historic Preservation Commission Application 2023-10 as presented.**

Roll call:

Chairman Aspras: **YES**

Mrs. Stech: **YES**

Mayor Razze: **YES**

Councilman Fitzpatrick: **YES**

Mr. Ryder: **YES**

Mrs. Kelley: **YES**

Mr. Fijalkowski: **YES**

Mr. Slenkamp: **YES**

Mr. Owen: **YES**

**Motion made by Mrs. Stech, second by Chairman Aspras, to deny, without prejudice, Historic Preservation Commission Application 2023-11.**

Roll call:

Chairman Aspras: **YES**

Mrs. Stech: **YES**

Mayor Razze: **YES**

Councilman Fitzpatrick: **YES**

Mr. Ryder: **YES**

Mrs. Kelley: **YES**

Mr. Fijalkowski: **YES**

Mr. Slenkamp: **ABSTAIN**

Mr. Owen: **YES**

Chairman Aspras noted that the next agenda item is a resolution to memorialize the granting of bulk variance relief to Vincent Gerace, 65 Colonial Avenue.

Mr. Dasti reviewed the application. The application was presented to the Board at the last meeting to request a variance to replace the front porch and steps and side railings. The variance was required because of the increase in non-compliant lot coverage. The benefits of the 2 variances requested outweigh the detriments.

Mr. Dasti reviewed the members eligible to vote.

Motion made by Chairman Aspras, second by Mr. Romick to approve this Resolution.

Roll call:

Chairman Aspras: **YES**

Mrs. Stech: **YES**

Councilman Fitzpatrick: **YES**

Mr. Slenkamp: **YES**

Mr. Owen: **YES**  
Mr. Franchi: **YES**

Mr. Romick: **YES**

Chairman Aspras advised that the next item on the agenda is a Use Variance for the property at 115 West Jersey Avenue.

The Applicant's Attorney, Seth Broder, Broder Law Firm, addressed the Board. Mr. Broder noted that the application is in the name of the LLC, which is Over the Top Party Planning, LLC.

The Applicant intends to use the space for children's themed parties, which is not a permitted use in this zone.

Board Solicitor Dasti swore in Courtney Tarpy, Managing Member of the LLC.

Ms. Tarpy provided testimony on the proposed use of the space for parties and provided a description of the physical space of the building. There is usually 2 parties per day on Saturdays and/or Sundays, approximate time period is between 1:00 – 5:00 pm. Most parents drop the children off and come back to pick them up after the event. Ms. Tarpy testified that she has been using the space for the parties, and has been made aware of the fact that she has exceeded the fire code regulations for occupancy. She was unaware of the regulation. Ms. Tarpy advised that no food is served; attendees are encouraged to use local businesses for food. Ms. Tarpy is not aware of any issues with noise. At present, there are 3 parking spaces behind the building for attendees and there are parking spaces on the street.

There is no plan for any renovations on the outside of the building. The inside of the building will be opened up to eliminate "choppiness" in the space. Permits have been filed for the inside work.

Chairman Aspras opened the discussion to questions from the Board and the Engineer/Planner. Board Engineer/Planner Tim Kernan asked is there are any employees; Ms. Tarpy advised she has only some younger employees and she can only have 3 employees at a time. The employees play the characters for the parties. None of the employees drive and all are CPR certified.

Mr. Kernan discussed his review letter. The Applicant is here because the use is not permitted in this zone. Mr. Kernan also noted that per Borough ordinance, 5 parking spaces are required for this business. Ms. Tarpy advised that the parents patronize local businesses while the children are at the party. Most parents do not stay with their children; the children are dropped off and picked up at the end of the event.

Mr. Kernan noted that site plan review is not required at this time.

Ms. Tarpy advised that she would like to have one of the parking spaces designated for handicapped parking, but that is for the future. The upstairs tenants for this building are moving out, and the parking spaces for those tenants could be used for handicapped parking.

Chairman Aspras asked for confirmation on the number of children at a party – Ms. Tarpy advised the maximum is 12, usually with one parent per group. There is no overlap in the parties.

Board Solicitor Dasti asked if the Applicant is aware of any child to adult ratio for these events – Ms. Tarpy advised she is not, but she is always there plus the adult with the attendees and the staff.

Mr. Dasti is not sure if there is a requirement for an outside agency approval on the ratio.

Mr. Slenkamp inquired on the process for craft events and photo shoots. Ms. Tarpy advise these are scheduled by appointment.

Council President Fitzpatrick asked for confirmation for the maximum number of permitted attendees per fire code.

Ms. Tarpy advised that the maximum number based on current zoning is 9. This is because the space was used as an office. If the zoning is changed, the maximum number could change. Mr. Dasti referred this question to Mr. Kernan. Mr. Kernan recommended that the maximum capacity of the building be based on approval by the Fire Official.

Mr. Austin inquired on the use of the upstairs. Ms. Tarpy advised that it is currently a residential apartment. Ms. Kelley asked for confirmation that the tenants are leaving – Ms. Tarpy advised the current tenant is leaving but the unit will be re-rented.

Mayor Razzo asked the Board Solicitor for confirmation that he can participate in the discussion without a conflict. The Board Solicitor confirmed he can.

Mayor Razzo confirmed the available parking spaces and asked Mr. Kernan for confirmation that the Board has previously approved businesses without designated parking. Mr. Kernan confirmed the Board has approved that situation in the past.

Mr. Owen noted that he has concerns with the parking issue. In his opinion, approval of a business that further impacts the lack of parking is problematic, and the Board should not approve businesses that impact the parking that the Borough does not have.

Chairman Aspras opened the meeting to the public.

Solicitor Dasti swore in Debbie Edwards, her residence address is 601 Canterbury Avenue and she owns the business at 4951 Pitman Avenue. Ms. Edwards described the buildings, a shared easement and the existing parking situation. Ms. Edwards testified that there is a huge issue with parking issues, to the extent that the police have been involved. Ms. Edwards welcomes the business, but the parking is a serious issue, especially when there is an event at the Theatre. Signage is a great idea, but nobody reads the signs.

Chairman Aspras noted that if the Board followed the letter of the Borough Ordinance with regard to parking, the business district would be empty.

Ms. Edwards noted that in the past, she went through a lengthy process for her businesses, particularly with regard to parking.

Additional extensive discussion on the parking issue. Mr. Broder advised that the Applicant can advise attendees of the parking limitations when they sign up for an event. Ms. Edwards advised that is a great idea, but people do not read the signs. Chairman Aspras asked Ms. Edwards for additional information on the easement.

Zoning Officer Duffield noted that the original zoning application submitted for this business was for 30 occupants. Ms. Tarpy noted that she submitted that application to determine the maximum permitted occupancy, but she can adjust that number. Mr. Kernan noted that based on square footage, the number would probably be higher than 30. Ms. Tarpy advised she would not be able to handle that many small children at a party.

Chairman Aspras closed the public comment portion on this application.

Mr. Kernan advised that a fair condition would be that attendees are advised that there is no off street parking.

Mayor Razzo agreed that this is a good idea for the business. Ms. Tarpy advised this would be easy for her to address.

Chairman Aspras noted that the maximum occupancy for events will be determined by the Board approval, not the construction office. If the business grows past the approved number, the Applicant can come back to the Board.

Solicitor Dasti noted that the benefits of the application outweigh the detriments and recapped the conditions if approved:

All registrants will be advised that there is no off street parking except for a designated handicapped parking space.

Maximum number of children at an event will be 12.

Signage will be posted that there is no off street parking except for the designated handicapped parking spot.

Total occupancy will be subject to approval of the Fire Official.

Motion made by Mr. Fijalkowski, second by Mrs. Kelley to approve the use variance subject to the conditions specified above.

Additional discussion on the voting process. Solicitor Dasti advised there are two matters: the use variance for the use of the building and a bulk variance for the parking and site plan waiver. Solicitor Dasti advised that both Mayor Razze and Council President Fitzpatrick should not vote on either matter. Motion made by Mr. Fijalkowski to amend his motion to approve the use variance, based on the conditions above. Second by Mrs. Kelley.

Roll call:

Chairman Aspras: **YES**

Mrs. Stech: **YES**

Mr. Ryder: **YES**

Mrs. Kelley: **YES**

Mr. Fijalkowski: **YES**

Mr. Slenkamp: **YES**

Mr. Owen: **YES**

Motion made by Mr. Fijalkowski, second by Mrs. Stech to approve the bulk variance for parking and site plan waiver.

Roll call:

Chairman Aspras: **YES**

Mrs. Stech: **YES**

Mr. Ryder: **YES**

Mrs. Kelley: **YES**

Mr. Fijalkowski: **YES**

Mr. Slenkamp: **YES**

Mr. Owen: **NO**

Chairman Aspras asked the Board to proceed to item number 11 on the agenda. This is a request for a use variance to use the property for a wood shop. Mr. Myers advised his council was not able to make this meeting and asked for a continuance.

Mr. Dasti swore in Richard Myers, 55 East Holly Avenue. Mr. Myers testified that his Attorney was not able to make this meeting, and requested a continuance to the April meeting. Chairman Aspras noted that if there is anyone in the audience for this application, there will be no additional notice to the public.

Motion made by Stech, second by Ryder to approve the request for a continuance of this application to the April meeting.

Roll call:

Roll call:

Chairman Aspras: **YES**

Mrs. Stech: **YES**

Mr. Ryder: **YES**

Mrs. Kelley: **YES**

Mr. Fijalkowski: **YES**

Mr. Slenkamp: **YES**

Mr. Owen: **YES**

Chairman Aspras noted that the next item on the agenda is a request for a height variance for the property at 509 South Woodbury Road.

Solicitor Dasti swore in the Applicant, Robert Sykes, Jr. 509 South Woodbury Road.

Mr. Sykes testified that he has to replace an existing building that was damaged, and to minimize the foot print of the building, he is going higher to accommodate his equipment.

Engineer/Planner Kernan asked Mr. Sykes to describe the use of the building. Mr. Sykes advised he is a beekeeper, and needs the additional height to store ladders and other equipment. Mr. Kernan that since this is an accessory building, he believes only a bulk variance is required.

Mayor Razze asked Mr. Dasti if he has a conflict – he has a family member who owns an adjacent property. Mr. Dasti advised he should recuse.

Mr. Ryder asked for confirmation of the height of the building from grade. Mr. Sykes advised that because of the grading, this accessory building is about 14 feet when looking from the street. This accessory building is not directly behind his house. Mr. Ryder asked if there would be a problem with drainage, the Applicant advised there has not been to date.

Mr. Owen asked the Applicant to describe his property in relation to the Armory, which is Borough property. Mr. Sykes advised that this building is not on Borough property. Mr. Owen asked if this can be confirmed with a survey; because he thought that a former owner purchased a strip of property but has concerns with the location of the building. Mr. Sykes advised that there are survey pins on the property, but he does not have a survey. He prepared the application from the pins and the tax map.

Mr. Kernan asked for confirmation that this application is the result of a violation notice; Mr. Sykes advised it is.

Chairman Aspras opened the meeting to the public.

Zoning Officer Duffield advised that this building was brought to his attention by the Borough Public Works Department because the Department thought that the building was on Borough property. Mr. Duffield would request a survey to confirm the property lines.

Chairman Aspras closed the meeting to the public.

Additional discussion to the possibility that this building is on Borough property. All Board members agreed that a current survey of the property showing the location of this building is needed.

Solicitor Dasti recapped the application and conditions associated with the application. This is a request for a bulk variance. The Applicant has requested the variance based on an established hardship on the height limitation. A condition of approval would be that a current survey showing the property lines and location of the building be submitted to the Borough Zoning Officer, Construction Department, Borough Engineer and Board Solicitor.

Motion made by Fijalkowski, second by Stech to approve the application based on the conditions stated above.

Roll call:

Chairman Aspras: **YES**

Mrs. Stech: **YES**

Councilman Fitzpatrick: **YES**

Mr. Ryder: **YES**

Mrs. Kelley: **NO**

Mr. Fijalkowski: **YES**

Mr. Slenkamp: **YES**

Mr. Owen: **YES**

Mr. Romick: **YES**

Chairman Aspras advised his yes vote is based on the applicant's stated hardship with regard to the building.

Mrs. Kelley advised her no vote is because the existing height ordinance is sufficient and the hardship here does not meet the criteria.

All other members voting yes stated their reasons for their votes on the record.

Chairman Aspras reminded Mr. Sykes that he cannot proceed with construction on the property until the survey has been submitted and reviewed by the appropriate officials.

Chairman Aspras advised that the next item on the agenda is a request from Borough Council to review the side yard setbacks to streets/sidewalks in the RH Historic Zone.

Council President Fitzpatrick advised that the accessory structure ordinance has not been adopted yet because there has been discussion by Borough Council on the setbacks in the Grove because of the width of the streets. Borough Council asked that the Board review the existing ordinance and proposed amendments with the new ordinance. This could be discussed further at the next meeting.

Additional discussion on the fire concerns and pre-existing nonconformance. Mr. Owen asked if the Historic Preservation Commission has had any input on this matter. Chairman Aspras advised that he has discussed this with the Chairman of the Historic Preservation Commission. Mayor Raze noted that the Historic Preservation Commission determines historic appropriateness, not zoning approval. All agreed.

### **ZONING OFFICER REPORT**

Mr. Duffield stated that everyone should have a copy of his report. Mr. Duffield advised he would entertain any questions at this time, and he is available to Board members at any time in addition to the meeting.

Mrs. Kelley asked if the barn application that was heard earlier in the meeting would have been approved based on the size if the proposed ordinance amendments were in place? Discussion on the size of the barn – Mrs. Kelley thought it was 27 X 30, Mr. Duffield advised the building is 24 X 30.

Additional discussion on permitted accessory building size.

Council President Fitzpatrick inquired on the Snap On business supposedly being conducted at 523 Ardmore Avenue. Mr. Duffield advised he visited the property when he received the initial complaint, and from what he saw, there was no violation. He has not been in the garage to see what is going on in it. Additional discussion on home occupational business and the conversations that Mr. Duffield has had with the property owner.

Mayor Raze inquired on the denial of the fence permit on Kenton Avenue. Mr. Duffield advised the fence is in the right-of-way and is a solid fence.



Mayor Razze thanked Mr. Duffield for his work on behalf of the Borough.

**SITE PLAN COMMITTEE**

Mr. Fijalkowski advised that the Committee reviewed 3 applications for site plan waiver.

The first applicant did not show up for the meeting.

Application 23-08

101 N Woodbury Road

The application is to convert office space at a Sunoco station in to a convenience store.

The Committee recommends denying this application, without prejudice.

Motion made by Mr. Fijalkowski, second by Mrs. Kelley to deny, without prejudice, the request for site plan waiver on this application.

Roll call:

Chairman Aspras: **YES**

Mrs. Stech: **YES**

Mayor Razze: **YES**

Councilman Fitzpatrick: **YES**

Mr. Ryder: **YES**

Mrs. Kelley: **YES**

Mr. Fijalkowski: **YES**

Mr. Slenkamp: **YES**

Mr. Owen: **YES**

Mr. Fijalkowski advised that the next application is for an auto repair business

Application 23-09

511 Beechwood Avenue

This application is to take a vacant service station, which has been used as a storage building for a few years, and re-open it as an auto repair station. It is in a commercial zone and is a permitted use.

Mr. Fijalkowski advised that he excused himself from this application as he knows the applicant. The review Committee included Mrs. Kelley, Mrs. Stech, Mr. Ryder and Mr. Romick.

The Committee recommends approval of site plan waiver for this application.

Motion made by Mrs. Kelley, second by Mrs. Stech to approve application 23-09.

Roll call:

Chairman Aspras: **YES**

Mrs. Stech: **YES**

Mayor Razze: **YES**

Councilman Fitzpatrick: **YES**

Mr. Ryder: **YES**

Mrs. Kelley: **YES**

Mr. Fijalkowski: **ABSTAIN**

Mr. Slenkamp: **YES**

Mr. Owen: **YES**

Mr. Fijalkowski advised that the third application is for a painting center for autistic children

Application 23-05

57 S Broadway

This will occupy ½ of the building, which was an old hardware store.

Additional discussion on the building's current and past occupancy.

Mr. Fijalkowski advised that there is a small parking area in the back of the building. Conditions of approval would be that the parking would be for employees only, and that the occupancy would be subject to construction and fire official regulations.

The Site Plan Committee recommends approval of the site plan waiver request, subject to the above conditions.

Motion made by Mr. Fijalkowski, second by Mrs. Kelley to approve the request for site plan waiver.

Roll call:

Chairman Aspras: **YES**

Mrs. Stech: **YES**

Mayor Razze: **YES**

Councilman Fitzpatrick: **YES**

Mr. Ryder: **YES**

Mrs. Kelley: **YES**

Mr. Fijalkowski: **YES**

Mr. Slenkamp: **YES**

Mr. Owen: **NO**

Mr. Owen stated that the reason for his no vote is the limited parking for the business.

### **SUBDIVISION COMMITTEE**

No report

### **ENVIRONMENTAL COMMISSION**

Mr. Slenkamp advised that for some unknown reason, the large project at Rowan that included soccer fields and other athletic fields and a stadium seems to have stalled.

Earth Day events are slated for April 22 at Betty Park and include lots of displays and educational activities.

Two household hazardous waste days are scheduled; April 8 at South Harrison and May 2 at Clayton.

### **MASTER PLAN COMMITTEE**

No report

### **ECONOMIC DEVELOPMENT COMMITTEE**

Mr. Owen reported that the "Spring in to Pitman" banners will be hung this week throughout the Borough. Two State grants are available: an E Commerce grant for small businesses, non-profits and other organizations. The other grant is available to small businesses that kept employees on during the State shut down from COVID.

### **COUNCIL REPORT**

Council President Fitzpatrick reported that Kelly Green is closing at the end of the month.

The School District has lost 1.4 million in State Aid this year. There is a bill pending in legislature that will reinstate approximately 60% of the cut.

Mayor Razze noted that the bill has passed, so the District will recoup some of the decrease. Decisions that were made by the District with regard to the budget will stay in place. Mayor Razze encouraged all to participate in the process for the School District and to contact their legislators.

**OTHER OLD OR NEW BUSINESS**

Mr. Owen noted that with potential development at the Armory and Sony properties, the Borough should be cognizant of any affordable housing requirements. Mr. Kernan advised that the Borough should carefully examine any requirements.

Mrs. Kelley commented to the EDC Chairman that if the Board starts to deny applications based on parking issues that will impact the business district. Perhaps the EDC should look at parking situation in the Borough to address the situation. Mr. Owen advised that the EDC is looking at an inventory of available parking to provide to businesses. Mr. Kernan suggested that a GIS map of available parking would help. He will have his office look in to that option.

Additional discussion on the parking situation. All agreed that this is a good problem to have.

**ADJOURNMENT**

Mrs. Stech motioned, second by Chairman Aspras to adjourn at 9:20 pm.

All in favor.

Respectfully submitted,

Maureen Abdill  
Recording Secretary