

**Borough of Pitman
Combined Planning/Zoning Board Meeting
Council Chambers
Minutes of December 18, 2023**

CALL TO ORDER:

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

ATTENDANCE:

Chairman Aspras, Mrs. Stech, Council President Fitzpatrick, Mr. Ryder, Mrs. Kelley, Mr. Fijalkowski, Mr. Slenkamp, Mr. Owen, Mr. Franchi, Mr. Austin

ADVISORS PRESENT:

Solicitor: Mr. Clancy, Engineer/Planner: Tim Kernan, Historic Commission: Walt Madison, Zoning Officer: Roy Duffield

ABSENT MEMBERS:

Mayor Razze, Mr. Romick, Mr. Scutt

APPROVAL OF NOVEMBER, 2023 MINUTES

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

Chairman Aspras: **YES**

Mrs. Stech: **YES**

Council President Fitzpatrick: **ABSTAIN**

Mr. Ryder: **YES**

Mrs. Kelley: **YES**

Mr. Fijalkowski: **ABSTAIN**

Mr. Slenkamp: **YES**

Mr. Owen: **YES**

Mr. Franchi: **YES**

PUBLIC COMMENTS:

Jeff Penuel, owner of Pitman Jewelry, addressed the Board. The owner of the building he leases has made application to the Historic Preservation Commission to change the Pitman Jewelry sign on the building and Mr. Penuel had no knowledge of this. Mr. Penuel asked if the owner of the building has the authority to take the sign down. Chairman Aspras asked if Mr. Penuel is a tenant in the building and Mr. Penuel confirmed he is. Chairman Aspras advised this matter would depend on the wording in the lease. Mr. Penuel advised he has been maintaining the sign for 36 years, why does the owner now have the right to change it?

Solicitor Clancy reiterated that this would depend on the wording in the lease, and if it is not covered in the lease, it would be a civil matter. Solicitor Clancy recommended Mr. Penuel consult with an attorney experience in tenant/landlord matters.

Solicitor Clancy asked if this application is included in the Historic Preservation Commission applications to be heard by the Board at this meeting, and Chairman Aspras confirmed it is. Discussion among the Board on how to proceed. Solicitor Clancy recommended that the Board take action with the Historic Preservation applications.

William Cioffi, 140 5th Avenue addressed the Board. Mr. Cioffi advised that he is selling this property, and the Borough will not issue a Certificate of Occupancy because Mr. Cioffi did work on the property without a Historic Preservation Commission Certificate of Appropriateness. He is supposed to close on the property this week. Mr. Cioffi stated that he submitted a Historic Preservation Commission application this week. He is replacing the spindles and railing that was there with the same type. It is a safety issue.

Chairman Aspras advised he has a conflict because Mr. Cioffi is his neighbor, and stepped down. Mrs. Stech took over on the discussion.

Mrs. Stech asked if the Board can act on the application, and Mr. Franchi asked if this would be considered a safety issue. Zoning Officer Duffield advised safety issues applie to roofs and awnings only. Mrs. Stech asked for confirmation that Mr. Cioffi is replacing same for same, and Mr. Cioffi confirmed he is. Mrs. Stech advised this will be handle with the Historic Preservation Commission applications.

HISTORIC PRESERVATION COMMISSION:

Mr. Clancy swore in Walt Madison, Chairman of the Borough of Pitman Historic Preservation Commission.

Mr. Madison advised that at the December 14 meeting, the Commission reviewed 6 applications. All the applications were approved, (some with conditions).

Mr. Madison presented the following Historic Preservation Commission applications for approval:

Application No. 2023-55 Soffit, gutters, paint, sign, awning
Aaron Beaucher (AJB Properties)
22/24 S Broadway
Block 1, Lot 6

Mr. Madison noted that this is the application for the Pitman Jewelry Store location. Chairman Aspras again noted that the issue with the sign depends on what is stipulated in the lease. Lengthy discussion by the Board on how to proceed. Mr. Owen noted that the box sign is being removed and replaced with a hanging sign. Mr. Penuel advised he has no objection to the other items in the application, just the sign. Mr. Ryder asked what Mr. Penuel's objection is to the sign. Mr. Penuel advised it is too small and is only on one end of the building. Zoning Officer Duffield asked – if the owner applies for a zoning permit

for the sign and the application complies with ordinance – does he issue the permit? Chairman Aspras advised no, because the sign does not have HPC approval.

Motion made by Mrs. Kelley, seconded by Mr. Austin to approve only the soffit, gutters, paint and awning as presented in Application 2023-55. The sign is denied without prejudice pending tenant/landlord resolution on the sign.

Roll call

Chairman Aspras: **YES**

Mrs. Stech: **YES**

Council President Fitzpatrick: **YES**

Mr. Ryder: **YES**

Mrs. Kelley: **YES**

Mr. Fijalkowski: **YES**

Mr. Slenkamp: **YES**

Mr. Owen: **YES**

Mr. Franchi: **YES**

Chairman Madison advised that all these applications were approved, with the exception of the fence portion on Application 2023-60. It appeared the Applicant removed the fence from the application, and without confirmation one way or the other, the Commission would not approve the fence.

Motion made by Mrs. Stech, seconded by Mr. Slenkamp to approve Historic Preservation Commission Applications 2023-56 through 2023-60. Approval for Application 2023-60 does not include approval for a fence.

Roll call:

Chairman Aspras: **YES**

Mrs. Stech: **YES**

Council President Fitzpatrick: **YES**

Mr. Ryder: **YES**

Mrs. Kelley: **YES**

Mr. Fijalkowski: **YES**

Mr. Slenkamp: **YES**

Mr. Owen: **YES**

Mr. Franchi: **YES**

Application 2023-61

Spindles, railing, roof repair

William Cioffi

140 5th Avenue

Block 18, Lot 12

Chairman Aspras stepped down from this application.

Chairman Madison reviewed the application with Mr. Cioffi. Chairman Madison confirmed to the Board that they could proceed with the approval. Mrs. Kelley asked for detail on the number and style of the spindles. Mr. Cioffi stated there were probably a dozen spindles replaced, and they were replaced with the same type of spindles. There was a small hole in the roof that was repaired with the same shingles. Mr. Cioffi stated he was not aware that he had to make application to the Historic Preservation Commission before making any repairs on the house. Zoning Officer Duffield advised that when he was made aware that work was being done on the property, he sent a letter to the property owner in September 2023 advising the owner that any work required Historic Preservation Commission approval.

Motion made by Mr. Owen, seconded by Mr. Fijalkowski to approve the application as presented.

Roll call

Mrs. Stech: **YES**

Council President Fitzpatrick: **YES**

Mr. Ryder: **YES**

Mrs. Kelley: **YES**

Mr. Fijalkowski: **YES**

Mr. Slenkamp: **YES**

Mr. Owen: **YES**

Mr. Franchi: **YES**

Mr. Austin: **YES**

Historic Preservation Commission Chairman Madison advised the Board that beginning in February, 2024, the HPC will meet the 1st Thursday of the month instead of the 2nd Thursday. Council President Fitzpatrick noted this change is to allow more time for review of HPC applications by the Planning Board. Chairman Madison advised that the 14 day deadline for applications is going to be enforced, and expressed his concerns on the delay this presents to property owners.

Chairman Aspras asked that the Board and Commission confirm this does not present an issue with the timeline mandated to take action on an application.

Chairman Aspras advised that the next agenda item is the memorialization of the bulk variances and waiver of site plan review for Ed Beulow, 210 Clinton Avenue, Block 141, Lot 6. Solicitor Clancy recapped the Resolution.

Motion made by Mr. Franchi, seconded by Chairman Aspras to approve the Memorialization of the Approval Resolution for Ed Beulow, 210 Clinton Avenue, Block 14, Lot 5.

Roll call

Chairman Aspras: **YES**

Mrs. Stech: **YES**

Council President Fitzpatrick: **YES**

Mr. Ryder: **YES**

Mrs. Kelley: **YES**

Mr. Fijalkowski: **YES**

Mr. Slenkamp: **YES**

Mr. Owen: **YES**

Mr. Franchi: **YES**

Chairman Aspras advised that the next agenda item is a discussion on Borough Council's request to consider the creation of a redevelopment area at the Fazzio site.

Chairman Aspras asked Council President Fitzpatrick to update the Board on this issue. Council President Fitzpatrick noted that there have been meetings with the property owner to address concerns with the location. Council President Fitzpatrick read aloud communication from the Borough Solicitor. Based on the pre-existing nonconforming use of the property, the Planning Board is being asked to determine if the property meets the criteria for a non condemnation redevelopment area. Council President Fitzpatrick advised that this approach may help eliminate the confusion and problems at the property with regard to the operations. Chairman Aspras asked if the approach is that it would be more efficient to govern through a redevelopment plan rather than typical zoning? Council President Fitzpatrick confirmed that is the thought process. The concrete crushing operation is being relocated to Elk Township, so that will eliminate the noise and dust complaints from that operation.

Board members expressed their concerns with restricting the operation of a business that has been in operation at this location for a long time. Chairman Aspras advised the approach is to specifically detail what is permitted at the site to avoid violations and having the owner in court.

Engineer/Planner Kernan confirmed that designating this a redevelopment area could then result in the formulation of a redevelopment plan that would include the operations on site.

Extensive discussion on the reasons for the redevelopment plan, its purpose, potential effects on the business and the Borough. Council President Fitzpatrick advised that it is his impression from the meetings with Fazzio that they agree this approach may make things easier for them. Chairman Aspras asked Zoning Officer Duffield about violations at the property. Zoning Officer Duffield enumerated the type of violations that he has observed at the property. It is his impression that the Borough Solicitor is attempting to work out a global resolution to the ongoing issues at the property. Mrs. Kelley expressed her concerns with possible restrictions on the operation of the business.

Solicitor Clancy provided the Board with an explanation of the process for the designation of a non condemnation area in need of redevelopment. Council President Fitzpatrick noted that the Borough does not want to change the business. Mr. Franchi asked if this is to get arms around the uses for clarity? Council President Fitzpatrick advised that is correct. Mr. Franchi also asked if the business is to have a plan – Mr. Kernan confirmed that is correct, Fazzio submits the plan.

Chairman Aspras noted that a redevelopment plan can work to the benefit of the business to eliminate variances and other issues. Mr. Owen noted that this is an opportunity to look at the business based on 2024 standards and concerns.

Solicitor Clancy summarized the Resolution before the Board:

The motion is to authorize the Board Engineer/Planner to conduct an investigation to determine if the Fazzio property meets the criteria to be declared a non condemnation area in need of redevelopment.

Motion made by Chairman Aspras to authorize Tim Kernan of Colliers & Associates to conduct a preliminary investigation to determine whether or not the property meets the criteria for non-condemnation redevelopment, per Council's request, seconded by Mr. Owen.

Roll call

Chairman Aspras: **YES**

Mrs. Stech: **ABSTAIN**

Council President Fitzpatrick: **YES**

Mr. Ryder: **YES**

Mrs. Kelley: **NO**

Mr. Fijalkowski: **YES**

Mr. Slenkamp: **YES**

Mr. Owen: **YES**

Mr. Franchi: **YES**

Chairman Aspras advised that the next agenda item is an update on the Sony property. Council President Fitzpatrick advised that Council has met with the potential buyer who made a presentation of development that included mixed use – warehouse, housing (either apartments or townhouses), hotel and retail. At this time, the developer and the property owner are very far apart with regard to the sale price. The next step might be an appraisal, but what would be the highest best use? The highest best use is probably warehouses, or should the property be rezoned for mixed use?

Extensive discussion on the existing zoning and possible rezoning.

Engineer/Planner Kernan provided background on what would be needed to determine highest best use for the Borough. Mr. Kernan advised that a market study would actually be the best approach, which would take in to account all the factors of potential uses for the best ratable for the Borough. Mr. Kernan noted that a redevelopment plan is not a market study. Mr. Kernan advised at this time, an appraiser would appraise it based on current zoning. If the appraisal is to be done based on other than current zoning, other studies would have to be done.

Discussion on rezoning and protection for the Borough with regard to the use of the property. Mr. Kernan believes that a redevelopment plan was approved when Saxon was involved with the property. Council President Fitzpatrick advised that plan would have to be amended. Chairman Aspras noted that the Borough is in need of housing units and that should be a consideration. Should it be industrial or mixed use? Mrs. Kelley asked if the Master Plan enters in to this – Chairman Aspras advised this would be an overlay. Warehouses could be added in later if desired.

Solicitor Clancy advised that the Board cannot recommend amended of the redevelopment plan without a resolution. If that is what Council desires, a resolution would have to be forwarded to the Board.

Chairman Aspras asked Mr. Ryder for his input with regard to the Master Plan Committee – Mr. Ryder agreed this should be in conjunction with the Borough Master Plan.

Solicitor Clancy advised any authorization has to move forward has to come from Council.

Solicitor Clancy recommends that the motion is to recommend to Council to update the redevelopment plan for the Sony property to meet the needs of the Borough. So moved Council President Fitzpatrick, seconded by Mr. Owen.

Roll call

Chairman Aspras: **YES**

Mrs. Stech: **YES**

Council President Fitzpatrick: **YES**

Mr. Ryder: **YES**

Mrs. Kelley: **YES**

Mr. Fijalkowski: **YES**

Mr. Slenkamp: **YES**

Mr. Owen: **YES**

Mr. Franchi: **YES**

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.

Mr. Duffield noted that Milkweed now has a tent on premises. They received approval 2 years ago for a temporary “weather enclosure” that was supposed to be removed by the Spring of the following year – should they come back to the Board for the tent and also for roof top seating?

The Board concurred that from a land use perspective, they can have roof top seating. Mr. Fijalkowski advised that the conclusion was that as long as they were meeting land use laws, they could continue with the tent. Council President Fitzpatrick advised that the Fire Marshall had some concerns with the tent. Mr. Franchi advised it was a safety issue. Mr. Duffield advised that the tent that is there should comply with current zoning regulations. Mr. Duffield advised there are 4 propane heaters being used in the tent. Solicitor Clancy advised this should be referred to the Fire Official for his review.

SITE PLAN COMMITTEE

Mr. Fijalkowski advised no applications at this time.

SUBDIVISION COMMITTEE

Mrs. Kelley advised there is nothing to report.

ENVIRONMENTAL COMMISSION

Mr. Slenkamp advised the Commission put together a request for the 2024 budget and submitted that to Council for their consideration. The Commission is working on dates for 2024 that will include Earth Day, Bio Blitz, Hitting for Habitat (with Little League) and the Commission continues to work with Enviroscapes at Alcyon Park to address invasive species.

MASTER PLAN COMMITTEE

Mr. Ryder advised that there is nothing this month, but he foresees something coming to the Committee in the near future. Mr. Ryder noted the language in the Ordinance with regard to the PI Zone regarding warehouses should be reviewed.

ECONOMIC DEVELOPMENT COMMITTEE

Mr. Owen advised there was no meeting this month.

COUNCIL REPORT

Council President Fitzpatrick advised that the Board has already covered the Council issues.

OTHER OLD OR NEW BUSINESS

Mr. Owen asked for confirmation of the January meeting date. Chairman Aspras advised the January meeting will be on Tuesday, January 16 due to the Martin Luther King Holiday on Monday.

ADJOURNMENT

Mrs. Stech motioned, second by Chairman Aspras to adjourn at 8:50 pm.

All in favor.

Respectfully submitted,

Maureen Abdill
Recording Secretary