

**BOROUGH OF FOLSOM
PLANNING/ZONING
BOARD OF ADJUSTMENTS
MINUTES**

January 18, 2023

CALL MEETING TO ORDER: 7:01 PM

SALUTE TO THE FLAG:

CERTIFICATION: Adequate notice of this meeting has been given in accordance with the Open Public Meeting Act pursuant to Public Law 1975, Chapter 231. Said notice has been advertised in the Hammonton Gazette and is posted on the bulletin board showing the time and place for the meeting.

ROLL CALL:

MEMBERS PRESENT: Joe Pino, Glenn Smith, Jim Hoffman, Dave Cappuccio,
Michael Sutts, Leslie Roberson, Kristian Gummoe-Lubrano, Catherine
DeYoung

MEMBERS ABSENT: Greg Schenker, Michael Veneziani

Others Present:	Solicitor:	Carol N. Goloff, Esquire
	Board Engineer:	Jen Heller PP, AICP for Polistina & Assoc., PE, PP
	Board Secretary:	Susan Carroll

OATHS OF OFFICE: Appointments and Re-appointments for Board members as follows:

Jim Hoffman – Class III – Term Expires 12-31-2023
Kristin Gummoe-Lubrano-Class IV-Alternate I
Catherine DeYoung – Class IV – Alternate II

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NOMINATION AND ELECTION OF OFFICERS: ONE YEAR TERM - 2023

The floor was opened by Chairman Pino who announced nomination and election of Officers for a one year term for the year 2023.

A motion was made for the nomination of Joe Pino (1 year term) for Chairman by Mr. Smith and seconded by Mr. Sutts. There were no other nominations. A roll call vote was taken with ayes all and one abstention by Mr. Pino. Nays – none

Joe Pino	Abstain
Glenn Smith	Yes
Jim Hoffman	Yes
Dave Cappuccio	Yes
Mike Sutts	Yes
Leslie Roberson	Yes
Kristin Gummoe Lubrano	Yes
Catherine DeYoung	Yes

A motion was made for the nomination of Glenn Smith (1 year term) for Vice Chairman by Mr. Hoffman and seconded by Mr. Sutts. There were no other nominations. A roll call vote was taken with ayes all and one abstention by Mr. Smith. Nays – none

Joe Pino	Yes
Glenn Smith	Abstain
Jim Hoffman	Yes
Dave Cappuccio	Yes
Mike Sutts	Yes
Leslie Roberson	Yes
Kristin Gummoe Lubrano	Yes
Catherine DeYoung	Yes

A Motion was made for the nomination of Susan Carroll (1 year term) for Board Secretary by Mr. Pino and seconded by Ms. DeYoung. There were no other nominations. A roll call vote was taken with ayes all. Nays - none.

Joe Pino	Yes
Glenn Smith	Yes
Jim Hoffman	Yes
Dave Cappuccio	Yes
Mike Sutts	Yes
Leslie Roberson	Yes
Kristin Gummoe Lubrano	Yes
Catherine DeYoung	Yes

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A motion was made for the nomination of Carol N. Goloff Law, LLC (1 year term) for Board Solicitor by Mr. Pino and seconded by Mr. Smith. There were no other nominations. A roll call vote was taken with aye all. Nays none.

Joe Pino	Yes
Glenn Smith	Yes
Jim Hoffman	Yes
Dave Cappuccio	Yes
Mike Sutts	Yes
Leslie Roberson	Yes
Kristin Gummoe Lubrano	Yes
Catherine DeYoung	Yes

Solicitor Goloff thanked the Board.

A motion was made for the nomination of Polistina & Associates (1 year term) for Board Engineer by Mr. Pino and seconded by Ms. Roberson There were no other nominations. A roll call vote was taken with ayes all. Nays – none.

Joe Pino	Yes
Glenn Smith	Yes
Jim Hoffman	Yes
Dave Cappuccio	Yes
Mike Sutts	Yes
Leslie Roberson	Yes
Kristin Gummoe Lubrano	Yes
Catherine DeYoung	Yes

A motion was made for the nomination of Polistina & Associates (1 year term) for Town Planner by Mr. Pino and seconded by Ms. Gummoe-Lubrano. There were no other nominations. There was a roll call vote with ayes all. Nays - none.

Joe Pino	Yes
Glenn Smith	Yes
Jim Hoffman	Yes
Dave Cappuccio	Yes
Mike Sutts	Yes
Leslie Roberson	Yes
Kristin Gummoe Lubrano	Yes
Catherine DeYoung	Yes

Approval of Meeting Dates for 2023:

A Motion was made by Ms. Gummoe-Lubrano and seconded by Mr. Smith to approve the meeting dates for the third Wednesday of the month at 6:00 pm except for the December meeting which will be held the second Wednesday of December. A roll call vote was taken with ayes all. Nays – none.

Joe Pino	Yes
Glenn Smith	Yes
Jim Hoffman	Yes
Dave Cappuccio	Yes
Mike Sutts	Yes
Leslie Roberson	Yes
Kristin Gummoe Lubrano	Yes
Catherine DeYoung	Yes

RESOLUTION 2023-01: Designating the Official Newspapers of the Borough of Folsom Planning /Zoning Board as the Press of Atlantic City and the Hammonton Gazette.

A motion was made by Mr. Hoffman and seconded by Mr. Cappuccio to designate the Press of Atlantic City and the Hammonton Gazette as the official paper for the Borough of Folsom Planning and Zoning Board. There was a roll call vote with Ayes all. Nays – None

Joe Pino	Yes
Glenn Smith	Yes
Jim Hoffman	Yes
Dave Cappuccio	Yes
Mike Sutts	Yes
Leslie Roberson	Yes
Kristin Gummoe Lubrano	Yes
Catherine DeYoung	Yes

APPROVAL OF MINUTES:

A motion was made by Mr. Pino and seconded Ms. Roberson to approve the minutes of December 21, 2022. There was a roll call vote with ayes all and three (3) abstentions.

Joe Pino	Yes
Glenn Smith	Yes
Jim Hoffman	Yes
Dave Cappuccio	Abstain
Mike Sutts	Yes
Leslie Roberson	Yes
Kristin Gummoe Lubrano	Abstain
Catherine DeYoung	Abstain

RESOLUTION: JT Transportation 1118 Black Horse Pk., seeking a Preliminary & Final Major Site Plan Approval for a school bus transportation facility at 1118 Black Horse Pike – Block 3102 – Lot 11 located in the Forest Commercial Receiving.

A Motion was made by Mr. Smith and seconded by Mr. Hoffman to Approve the Resolution. A roll call vote was taken:

Joe Pino	Yes
Glenn Smith	Yes
Jim Hoffman	Yes
Dave Cappuccio	Abstain
Mike Sutts	Yes
Leslie Roberson	Yes
Kristin Gummoe Lubrano	Abstain
Catherine DeYoung	Abstain

APPLICATION: James & Jennifer DeHart, 76 E. Park Ave., Folsom – seeking a Variance for front yard setback to place an above ground pool in the front side yard. It is identified as Block 2618 – Lot 182 on the Borough of Folsom Tax Map and located in the Rural Development Zoning District.

Solicitor Goliff swore in James & Jennifer DeHart, 76 E. Park Ave., seeking a variance to put their above ground pool in their side yard. Their septic was in the backyard and would not be able to meet all of the requirements off of the property lines. They would like to put the pool on the side next to the house. They did not meet the setback from the road to install the above ground pool. They had 3 lots next to each other. They have had a pool in that location for 4 or 5 years, but it wasn't a metal pool with a liner. They applied for a Zoning Permit Application, but it was denied because a pool cannot be located in the front yard per Ordinance 200-37-A. The Applicant did not have anywhere they could put the pool in the rear of the home because of the location of the septic and solar panels. They would like to keep it in their side yard, but it will fall within the 75 ft. front setback. The pool was located behind the front of the home in the side yard. The Applicant had 3 lots. The lot their home was on, the center lot next to the home where the pool was, and a third lot (on other side of the pool) that went up against Pine Lane. The pool was approximately 60 or 70 feet from the road and was behind the front of the house.

Ms. Heller explained 75 feet was the required front yard. The front yard was defined as the area between the front of the building to the street right-of-way line. The house was located closer than 75 feet. The Applicant had an existing non-conforming front yard setback for the existing dwelling, but the pool had to conform to the 75 foot setback.

There were no future plans to put a deck around the pool. The power lines for the solar panels were located along the back of the property around the back of the house to the opposite side of the home.

Ms. Heller gave the Engineers Report. The Applicant requested standard Waivers from Items 19, 21, 25, & 26 and recommended the Application be deemed Complete and be heard by the Board for review.

A Motion was made by Mr. Pino and 2nd by Mr. Smith to Approve the Application as outlined by Ms. Heller.

The meeting was opened to the public. Seeing no one from the public, the public portion was closed.

The Applicant answered questions from the Board Members. The Applicant had no plans for a deck or going closer to the road at a later date. The Applicant had another pool in the location four or five years. They never had complaints from their neighbors. Solar Panels were installed on the property before the pool was added. The location of the pool was not too close to the solar panels. The pool filter was within 10 feet of the pool and had a ground rod running all the way around it. It was the same with the solar panels. Everything was grounded so no one could be shocked. The lines for the solar panels ran behind the house. The first pool didn't have permits because it was not as permanent as the current pool, however even pop up pools needed permits.

A Motion was made by Mr. Smith and 2nd by Ms. Gummoe-Lubrano to Approve the pool in its current location. A Variance was required because it encroached in the front yard, in the middle lot of 182 in Block 2618 because it was within the 75 foot front yard setback. The positive and negative criteria for a C Variance has been met by the testimony of the Applicant supported by Ms. Heller in that there was no substantial detriment to the Zone or the overall Master Plan. The positive criteria had been met because the existing layout of the Applicant's land and existing structures made sense.

Joe Pino	Yes
Glenn Smith	Yes
Jim Hoffman	Yes
Dave Cappuccio	Yes
Mike Sutts	Yes
Leslie Roberson	Yes
Kristin Gummoe Lubrano	Yes
Catherine DeYoung	Yes

The existing non-conforming setback was explained to the Applicant.

OTHER BUSINESS: Mr. Pino requested a general outline for procedure of the order of application presentation. Lengthy discussion of application procedure ensued. Solicitor will send a Resolution with headers only. The order of the resolution was: An introduction, followed by who is present, the next is the applicant speaks, but sometimes it doesn't work, the next step

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is Engineers Report, next is Board discussion, then public, then findings of facts when there is a disagreement.

The meeting was opened to the public. Seeing no one from the public was present, the public portion was closed.

NEXT SCHEDULED MEETING: February 15, 2023 at 6:00 pm

A Motion to adjourn was made by Ms. Lubrano-Gummoe and seconded by Mr. Hoffman. All in favor.

Meeting Adjourned at 8:01 pm.

Respectfully Submitted,

Susan Carroll,
Board Secretary