

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

April 18, 2012

The meeting was called to order at 7:05 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 News and Atlantic City Press and is posted on the bulletin board showing the time and place for the meeting.

Members Present Gary Kemmerer, Charles Pitale, Tom Ballistreri, Joe Pino, Jerome Hoffman and John LaPollo

Absent: Glenn Smith, Rich Levey, Harold Parker, Joel Spiegel, John Hehre

Others Present: Solicitor: Jorge F. Coombs, Esq.
Board Engineer: Vincent Polistina
Board Secretary: Sherri Thompson

Minutes

A motion was made by Mr. Ballistreri and seconded by Chairman Pitale to approve the minutes of March 21, 2011. There was a roll call vote with ayes all with abstentions by Mr. Kemmerer, and aye by Mr. Pino abstained from the Stuhltrager portion of the minutes.

RESOLUTIONS:

Joseph Stuhltrager 1110 Black Horse Pike, Folsom, NJ 08037 seeking to amend site plan from 4 parking spaces to 11 parking spaces for Block 3102 Lot 15 in the FC zoning district. Application #03-ZB-12. Mr. Coombs discussed a letter from the Pinelands regarding the nitrogen levels in the ground water. Discussion ensued with respect to the applicant providing additional information on the use of the square footage of the building to the Pinelands. Mr. Ballistreri asked if the Board could move the resolution and state they would amend the resolution. Mr. Coombs stated he would have to come back before the Board to satisfy the Pinelands' request. The board can move forward with the approval with respect to what was discussed at the March meeting. Mr. LaPollo questioned the comment made in the Pinelands letter regarding the demolition? Mr. Coombs stated that based on the improvement that were made it was not defined as a demolition by the board. Mr. Polistina stated that this resolution can be memorialized. The applicant would need to make decision as to whether he will make changes to the septic, address the Pinelands concerns or come back before the board and give more explanation as to the uses will be so that they can accurately depict what the sewer flow will be for the property.

Motion was made by Mr. Ballistreri and seconded by Mr. Kemmerer contingent upon approval from Pinelands or coming before the board. There was a roll call vote with ayes all and abstention by Mr. Pino.

Mr. Michael McCormick 12 19 S. Street NW, Washington, DC 20009 requesting an informal review regarding vacation of B and C Streets on Block 2805 Lot 1 in the RD zoning district Application # 02-ZB-12.

Motion was made by Mr. Ballistreri and seconded by Mr. Pino. There was a roll call vote with ayes all.

APPLICATION:

Elizabeth Hughes 102 Lakeview Lane, Williamstown, NJ 08094 seeking a C-Variance for Block 2703 Lot 641 in the RD zoning district. Application #01-ZB-12.

Mr. Coombs swore in Elizabeth Hughes. She stated she is building a balcony on the home and the setback is short 26'. Mr. LaPollo stated the applicant has already built the balcony and requires a front setback. Mr. Ballistreri asked her if she was aware she needed permits for this construction. She stated she was not. Mr. Polistina stated the front yard setback is an existing non-conforming condition, 75 feet is required and 49' is proposing. Discussion ensued with respect to the balcony.

ENGINEERS REPORT:

The Applicant, Elizabeth Hughes, has submitted an application requesting variance relief for the construction of an open porch on the rear of the existing single family dwelling located at 102 Lakeview Lane. The subject property is also known as Block 2703, Lots 641, 642 & 643 and is located within the RD Rural Development zoning district. The Applicant is requesting a front yard variance for the expansion of an existing non-conforming structure. No other improvements are proposed.

COMPLETENESS REVIEW:

This application has been reviewed using the Borough's checklist for hardship ("C") variances. The following items were found to be deficient:

Item 1 - Plat clearly and legibly drawn or reproduced at a scale not smaller than 1" = 100'. Item 3 - Plat prepared to scale based on deed description, tax map or similarly reasonable accurate data for the purpose of review and discussion by the Municipal Agency.

Item 9 - Scale of map, both written and graphic.

Item 10 - North arrow giving reference meridian.

Item 14 - Zoning district in which parcel is located, indicating all setbacks, lot coverage, height, floor area ratio and density, both as to required and proposed. Indicate the above written and graphically.

Item 18 - Contours to determine the natural drainage of the land. **The Applicant has requested a waiver.**

Item 21 - Location of trees 6 inches or more in diameter, as measured four feet above ground level, outside of wooded area, designating species of each. **The Applicant has requested a waiver.**

Item 24 - Location of existing structures and their setbacks from existing and proposed property lines.

We recommend that the application be deemed **conditionally complete** and that the application proceed to the Board for review. The Applicant should provide the above items or request a waiver. If the Board does not grant the requested waivers, the Applicant shall provide the requested items prior to final approval of the application.

ZONING REQUIREMENTS:

The property is located in the RD (Rural Development) district. Permitted uses in this district are outlined in Section 200-17 of the Borough's ordinance.

REVIEW COMMENTS:

1. The Applicant should provide testimony describing the proposed improvements in detail.
2. The Applicant should provide the dimensions of the proposed porch on the rear of the house.
3. This applicant is subject to the approval of any other agency having jurisdiction on this project. The Applicant should discuss the status of any other approvals.

Motion was made to approve the variance by Mr. Ballistreri and seconded by Mr. Kemmerer. There was a roll call vote with ayes all.

Andrew Magee 1231 Mays Landing Road, Folsom, NJ 08037 seeking Bulk Variances for Block 201 Lot 4 in the VR zoning district. Application # 05-ZB-12.

Mr. Coombs swore in Andrew Magee. He stated there is currently a small porch over the front door and would like to put a porch across the whole front of the house. He stated the existing porch is 54.65' from the right of way and the new distance would be 55.65'. He also stated that he would like to place a 3 car pole barn on the rear of the property. There is an existing structure that would be torn down and replaced by the pole barn. He also stated that he would be removing a portion of the paved driveway. The pole barn height would be 19.5' and he is asking for a variance for the height. Mr. Coombs asked about the window in the pole barn and if there would be a usable second floor. Mr. Magee stated it would be for lighting and an aesthetic value.

Discussion ensued with respect to the front setback. Mr. Polistina stated that the ultimate setback would be 46.65' to the front property line. Mr. Polistina asked

The Applicant, Andrew Magee, has submitted an application requesting variance relief for the construction of a detached pole barn and the construction of a front porch on the existing single family dwelling located at 1231 Mays Landing Road. The subject property is also known as Block 200, Lot 4 and is located within the VR Village Residential zoning district. The Applicant is seeking relief from the required front yard for the principal structure for the proposed front porch addition. The Applicant is also requesting variances from the side yard and rear yard setbacks and height and area requirements for the proposed pole barn accessory structure.

COMPLETENESS REVIEW: This application has been reviewed using the Borough's checklist for hardship ("C") variances. The following items were found to be deficient:

Item 2 – Sheet size either 15 x 21, 24 x 36 or 30 x 42. **The Applicant has requested a waiver.**

Item 18 – Contours to determine the natural drainage of the land. **The Applicant has requested a waiver.**

We recommend that the application be deemed **conditionally complete** and that the application proceed to the Board for review. If the Board does not grant the requested waivers, the Applicant shall provide the requested items prior to final approval of the application.

ZONING REQUIREMENTS: The property is located in the VR (Village Residential) district. Permitted uses in this district are outlined in Section 200-18 of the Borough's ordinance.

VARIANCES:

1. Section 200-18 – Front Yard Setback – The minimum required front yard setback in the VR zone is 75 feet. The existing dwelling is setback 54.65 feet from the front property line. After the proposed porch addition is completed, the setback will be reduced to 46.65 feet. A variance is required.

2. Section 200-21.A. – Accessory Structure - Side Yard Setback – An accessory building or private parking area shall not be located in any required yard space or within the required setback. The required side yard setback in the VR zone is 20 feet. The Applicant is proposing to construct a pole barn which will have a side yard setback of 10 feet whereas a minimum of 20 feet is required. A variance is required.

3. Section 200-21.A. – Accessory Structure - Rear Yard Setback – An accessory building or private parking area shall not be located in any required yard space or within the required setback. The required rear yard setback in the VR zone is 50 feet. The Applicant is proposing to construct a pole barn which will have a rear yard setback of 10 feet where a minimum of 50 feet is required. A variance is required.

4. Section 200-21.C. – Accessory Structure - Height – Accessory buildings shall not exceed one story or 15 feet in height and may not occupy more than 20% of a required rear yard or maximum of 900 square feet, whichever is smaller. The Applicant is proposing to construct a pole barn in the rear yard which will have a height of 19.44 feet where a maximum height of 15 feet is permitted. A variance is required.

5. Section 200-21.C. – Accessory Structure - Area – Accessory buildings shall not exceed one story or 15 feet in height and may not occupy more than 20% of a required rear yard or maximum of 900 square feet, whichever is smaller. The Applicant is proposing to construct a pole barn in the rear yard which will occupy an area of 1,040 square feet where a maximum area of 900 square feet is permitted. A variance is required.

REVIEW COMMENTS:

1. The plan shows the elimination of the driveway on the southeastern side of the house. The Applicant should indicate how the area will be restored (i.e. grass, stone, etc).

2. The Applicant should verify that any runoff from the proposed pole barn will not negatively impact the adjacent properties.

3. This applicant is subject to the approval of any other agency having jurisdiction on this project. The Applicant should discuss the status of any other approvals.

Mr. Magee stated that he would be replacing the driveway with top soil and grass.

Discussion ensued with respect to the size of the pole barn and the concern for water runoff.

Mr. Pollistina stated that he could install swales to control the direction of the flow of the runoff to be contained onto his property.

Mr. Coombs questioned whether he would keep the masonry steps for the front porch or would they be wooden. Mr. Magee stated there would be one (1) step.

Additional discussion ensued with respect to the water runoff.

Mr. Ballistreri asked Mr. Polistina what he proposed. He stated that they could consider separating the front porch from the pole barn to allow Mr. Magee to get together the required detailed stormwater flow from the building and the improvements that will be made to handle the stormwater on his lot.

Motion was made to grant waiver #2 but provide Item #18 a limited waiver by Mr. Kemmerer and seconded Mr. Ballistreri. There was a roll call vote with ayes all.

Motion was made to approve the separation of the Pole Barn from the front porch and grant the approval for the front porch by Mr. Pino and seconded by Mr. LaPollo. There was a roll call vote with ayes all.

Motion was made to approve the front setback variance by Mr. Ballistreri and seconded by Mr. Pino. There was a roll call vote with ayes all.

Motion was made to approve tabling the Pole Barn aspect of the application and the applicant will not have to notice for the May meeting by Mr. Ballistreri and seconded by Mr. Pino. There was a roll call vote with ayes all.

There were questions made from a member in the audience. Mr. Coombs requested he give his name – James Hoffman 1216 Mays Landing Road.

IBEW Local 351 1113 Black Horse Pike, Folsom, NJ 08037 seeking Preliminary and Final Site Plan Approval for Block 3201 Lots 11 & 12. Application # 04-ZB-12.

Mr. Steven Nehmad, Attorney with the firm Nehmad, Perillo and Davis, representing IBEW Local 351. He stated they were proposing to construct a 24,000 ft. state of the art training facility designed by Dixon and Associates and architecture firm S.O.C.H.

Mr. Coombs swore in Mr. Ed Gant, CEO of IBEW, Mr. Kevin Dixon Civil Engineer and Mr. Ron Viola registered Architect.

Mr. Gant gave an overview of the IBEW and the purpose for which they are requesting to construct the training facility in Folsom. He stated there are 2 full time employees during

the day and 6 - 10 journeyman teachers and approximately 60 – 90 students in the evening. It is a 5 year program.

Mr. Kevin Dixon gave an overview of his company and background and his expertise as Engineer/Planner. He stated the property is located in the FC zone and is 22 acres. They intend to have an impervious coverage of about 10%. He referenced exhibit #A1 which is the Site Plan exhibit sheet. He stated there will be 149 parking spaces which is approximately 20 spaces exceeding the ordinance requirement. They are proposing to place some landscaping, separating the parking layout creating some green space. They are also proposing pedestrian walkways to access the front of the building. There will be landscaping and lighting. They also propose drainage basins surrounding the parking area to handle the storm water runoff. They will be removing 48” of soil out of the bottom of these areas and replacing it with K-4 slower drainage. The drainage basins will drain to an infiltration component. The septic system will be located to the rear of the building. They meet the nitrate dissolution. They have applied to the DEP for the driveway permit and anticipate a straightforward DOT application and will be permitted. They have applied to the Pinelands and to the Soil Conservation.

Refer to Exhibit #A4 for the free standing sign to be located at the front of the building on Black Horse Pike designed to match the architecture of the building. The sign will be 4’ high by 13’ wide sign with large IBEW letters extended above the sign to give depth.. The area will be 60.7 sq. ft. which is above the ordinance requirement of 20’ requiring a variance. They are anticipating on illuminating the letters of the sign as the students will be arriving in the evening. The mayor requested adding Folsom, NJ to the sign which will increase the sign to 6’ in height. Discussion ensued with respect to the size of the sign.

Mr. Coombs questioned whether there would be a need for a deceleration (left turn lane). Mr. Dixon stated that there would not be a need for one due to the fact that there is adequate distance to get around turning traffic. Mr. Nehmad also stated that is under the jurisdiction of the DOT and if they felt one was required they would come before the board at that time.

Mr. Ronald Viola gave an overview of his background. He referenced Exhibit #6 showing the entry view of the facility. He stated the building will consist of 18600 sq. ft. of facility and 5400 sq. ft. of storage warehouse. The building is a one story, pre-engineered structure. There will be partial masonry with windows for every classroom.

Referring to Exhibit #A5 breaks down the building for every elevation.

Mr. Coombs asked if there were provisions for solar panels. Mr. Viola stated there was not at this time.

Referring to exhibit #A7 shows the class space, administration space and meeting room and storage warehouse at the rear of the building.

Mr. Pitale questioned the training that will be held there. Mr. Gant stated they would be holding mostly labs.

Mr. Nehmad referenced Mr. Polistina's report with respect to page 5 questions about the maintenance guarantees. They will be preparing a cost estimate and once approved by Mr. Polistina they will then post the performance guarantee in the form of a performance bond or letter of credit or another form of acceptable surety and will also post the necessary inspection fees. He addressed the obligations for the basins. All basins will be owned and maintained by the owner of the property. They will prepare and record a deed restriction obligating the owner in perpetuity to maintain the basins per Mr. Dixon's report.

ENGINEER'S REPORT:

The Applicant, IBEW Local 351, has submitted an application for preliminary and final Major site plan approval. The Applicant is proposing the construction of a 24,000 square foot building which will be utilized for offices, classroom/training rooms and storage space.

The site is known as Block 3201, Lots 11 and 12 in the Borough's FC-R Forest Commercial-Receiving and FC-S Forest Commercial-Sending zoning districts. All proposed improvements are located within the FC-R district. The site contains a total of 22.07 acres and is currently vacant and wooded. The site will be accessed by the Black Horse Pike.

The Applicant is proposing to construct 149 off-street parking spaces, of which six (6) will be handicap accessible. Additional improvements include five (5) storm water management basins, a loading/delivery area, landscaping, lighting and signage. The site will be serviced by a proposed on-site septic system and an on-site private well.

COMPLETENESS REVIEW:

This application has been reviewed using the Borough's checklist for preliminary and final major site plan development.

The Applicant has requested a waiver from providing an Environmental Impact Statement in accordance with Section 170-25. The Applicant has provided a Pinelands Compliance Statement in lieu of an EIS.

We recommend that the application be deemed **complete** and that the application proceed to the Board for review.

ZONING REQUIREMENTS:

The property known as Block 3201, Lots 11 and 12 is located in the FC-R Forest Commercial-Receiving district and the FC-S Forest Commercial-Sending district. Permitted uses in this district are outlined in Section 200-16 of the Borough's ordinance. Commercial trade training facilities are a permitted use in this district.

VARIANCES: The following variance is required:

1. **Section 200-16.G. - Handicap Accessible Parking.** The off-street parking should be calculated in accordance with Section 200-16.G., which was updated in accordance with Ordinance 14-2007. The Applicant is deficient one handicap accessible space based on the parking required. An additional handicap space should be provided so that variance approval is not required.
2. **Section 200-24.H.2. - Sign Area.** On site business or advertising signs may be permitted, provided that the total area of such signs does not exceed 20 square feet per side with the maximum height to the top of the sign not to exceed 15 feet from ground level. The Applicant is proposing to construct a ground mounted sign which will have an area of 60.71 square feet on each side whereas a maximum area of 20 square feet per side is permitted. A variance is required.

REVIEW COMMENTS:

1. The proposed storm water management basins should be fenced. A four foot high chain link or split rail fence with mesh backing is suggested. A detail of the fence must be provided for review and approval.
2. The Applicant is proposing gravel paths in the islands between the off-street parking areas. We suggest that asphalt or concrete be used instead of gravel.
3. Construction details for the proposed basin access drives must be provided.
4. The width of the proposed sidewalk should be labeled more clearly on the site plan. The detail shows a 4 foot wide sidewalk. This should be clarified and dimensioned on the plan where appropriate.
5. The shading for the proposed gravel pathways and the concrete sidewalk are too similar. Different shading should be used to eliminate confusion.
6. The proposed handicap ramp locations should be labeled and dimensioned on the site plan.
7. Additional detail for the stop bars and directional arrows should be provided.
8. In accordance with Section 200-16.F., a minimum of one (1) shade tree and two (2) shrubs for every eight (8) parking spaces shall be planted inside the parking area and one (1) shade tree for every thirty (30) feet of curb or paving edge, not counting the planted buffer is required. The Applicant must provide the additional landscaping required in the parking area.
9. The areas of topsoil storage must be shown on the Soil Erosion and Sediment Control plan.
10. The storm water management report - background should be revised to indicate the correct number of parking spaces depicted on the plans.

11. The Applicant has proposed a storm water management system measures to accommodate additional runoff that will be generated by the proposed improvements. Storm water management calculations have been provided. PA has reviewed the calculations and providing all storm water comments in this report are addressed, we find the design acceptable in accordance with Section 164, Section 200-47B(6) and Pinelands N.J.A.C. 7:50-6.84.
12. Pipe information and locations within the Route 322 right-of-way does not match the pipe invert information at the inlets. All pipe information should be provided.
13. Top of bank basin information for basin 1, basin 2 and basin 2 broad crested weir does not appear consistent with proposed grading.
14. An outlet control structure is depicted on the detail sheet. It is unclear if and where one is proposed on the plans.
15. A maintenance and operation plan has been provided. PA has reviewed the document and finds it meets the requirements of Section 164-17 with one exception. The financing of inspection, maintenance and repair of storm water BMPs must be provided in accordance with Section 164-17H. This issue must be addressed and the method of providing financing must be approved by the municipality. The Applicant should be required to comply with all requirements of Section 164-17H.
16. In accordance with Section 200-47B(6)(f), a four year maintenance guarantee is required for the entire storm water management system. In addition the Applicant shall fund or otherwise guarantee an inspection and maintenance program for a period of no less than ten years. The program shall identify the entity charged for annual inspections and the completion of any necessary maintenance, and the method to finance said program.
17. Reference to the Township of Hamilton shall be revised to indicate Borough of Folsom on Page 5 of the maintenance and operation plan.
18. The Applicant must provide a construction cost estimate for the proposed improvements.
19. In accordance with Section 170-12A., as a condition of final site plan approval, the Planning Board will require the Applicant to furnish a performance guarantee for the proposed improvements.
20. The Applicant is required to obtain approval from the Atlantic County Health Department for the proposed septic system.
21. The Applicant is required to obtain an access permit from the New Jersey Department of Transportation.
22. The Applicant is required to obtain approval from the Cape-Atlantic Soil Conservation District.

23. The Applicant is required to obtain approval from the Atlantic County Planning Department.

This Applicant is subject to the approval of any other agency having jurisdiction on this project. Evidence of approvals from all other agencies shall be required

MEETING OPEN TO THE PUBLIC: NONE

Mr. Nehmad thanked the board for their attention.

Motion was made to deem the engineer's report complete by Mr. Ballistreri and seconded by Mr. Kemmerer. There was a roll call vote with ayes all.

Motion was made to approve a sign not to exceed 74 sq. ft. and to include Folsom, NJ was seconded Mr. Pino. There was a roll call vote with ayes all.

Motion was made to approve the preliminary and final site plan conditioned on the items raised on the engineer's report and the addition to the sign by Mr. Pino and seconded by Mr. Kemmerer. There was a roll call vote with ayes all.

Next scheduled meeting will be May 16, 2012 at 7:00pm.

Meeting adjourned at 8:47 pm with ayes all.

Respectfully submitted,

Sherri Thompson