

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

June 20, 2012

The meeting was called to order at 7:14 p.m.

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, Glenn Smith, Tom Ballistreri, Harold Parker, Jerome Hoffman and John LaPollo

Absent: Rich Levey, Joel Spiegel, Joe Pino, John Hehre

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

Minutes

A motion was made by Mr. Ballistreri and seconded by Mr. LaPollo to approve the minutes of May 16, 2012. There was a roll call vote with ayes all with abstention by Mr. Kemmerer and Mr. Pitale and Mr. LaPollo.

RESOLUTIONS:

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.

A motion was made to approve the resolution by Mr. Ballistreri and seconded by Mr. Kemmerer. There was a roll call vote with ayes all and abstentions by Mr. Parker.

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.

A motion was made to approve the resolution for the front porch only by Mr. Ballistreri and seconded by Mr. Pitale. There was a roll call vote with ayes all and abstentions by Mr. Parker.

IBEW Local 351 1113 Black Horse Pike, Folsom, NJ 08037 Memorialization of Resolution for Block 3201 Lots 11 & 12. Application # 04-ZB-12.

Mr. Keith Davis from the office of Nehmad, Perillo and Davis spoke with respect to the issues with the scenic corridor setback. They are requesting a waiver be granted from the 200' scenic corridor setback to the 75' setback controls.

Mr. Polistina stated that the 75' is consistent with all the other development in the area.

Mr. Pitale opened up the meeting to the public. No one present.

Motion was made to grant the waiver for the 200' scenic corridor to the 75' setback by Mr. Ballistreri and seconded by Mr. Kemmerer. There was a roll call vote with ayes all and an abstention by Mr. Parker.

Motion was made to memorialize the resolution by Mr. Ballistreri and seconded by Mr. Smith. There was a roll call vote with ayes all and abstention by Mr. Parker.

Mr. Davis requested a waiver for the Performance Guarantee.

Motion was made to grant the approval by Mr. Smith and seconded by Mr. Kemmerer. There was a roll call vote with ayes all and an abstention by Mr. Parker.

David Cappuccio 1414 Backline Road, Folsom, NJ 08037 seeking a C-Variance for Block 201 Lot 8 in the VR zoning district. Application #08-ZB-12.

Motion was made to approve the resolution by Mr. Smith and seconded by Mr. Pitale. There was a roll call vote with ayes all and a no by Mr. Ballistreri and abstentions by Mr. Pitale and Mr. LaPollo.

OLD BUSINESS:

Continuation of the application of Herbert Ellsworth, 2636 Black Horse Pike, Williamstown, NJ 08094, regarding the resource extraction operation at Block: 1101 Lots 3-5, Block: 2104 Lots 3&5 and Block: 2201 Lot 4. The application is for the renewal of a resource extraction permit. Application number 02-ZB-09.

Mr. Tom D'Arcy, representing the applicant stated that due to the concerns that were raised regarding abandonment due to the fact that a resource extraction permit was not issued during the time period of 2002 and 2009. Because Mr. Ellsworth is deceased he requested to bring in one or more of the employees to provide testimony as to the scope of work that was being done at the site. He is requesting a continuation of the application without notice until the July meeting.

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

APPLICATIONS:

Continuation of the application of Andrew Magee 1231 Mays Landing Road, Folsom, NJ 08037 seeking approval for pole barn. Application #05-ZB-12.

Mr. Polistina stated he had a conversation with Mr. Magee regarding his application. Because his plan was dropped off at the time of the meeting and needed to provide additional information he requested a continuation of the application to the July meeting without further noticing.

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

Angela Fichetola 1347 Mays Landing Road, Folsom, NJ 08037 seeking a C-Variance for Block 801 Lot 6 in the VR zoning district. Application #06-ZB-12.

Mr. Coombs swore in Angela Fichetola and David Bruno. Ms. Fichetola gave a review of the plan for the addition. Mr. Coombs asked Ms. Fichetola to explain her hardship.

ENGINEER'S REPORT:

The Applicant, Angela Fichetola, has submitted an application requesting variance relief for the construction of a building addition on the existing single family dwelling located at 1347 Mays Landing Road. The subject property is also known as Block 801, Lot 6 and is located within the VR Village Residential zoning district. The Applicant is seeking relief from the required front yard setback, side yard setback and maximum permitted lot coverage for the proposed building addition.

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 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.

Item 41 - Any sections for which a waiver is specifically being requested and a narrative paragraph explaining why the applicant is entitled to such waiver.

The Applicant should provide testimony and request the required waivers and variances. 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.

All other aspects of zoning must comply at the time of the issuance of building permits.

VARIANCES:

1. Section 200-18 - Front Yard Setback - The minimum required front yard setback in the VR zone is 75 feet. The existing dwelling has an existing non-conforming front yard setback of 48.30 feet. The Applicant is proposing to construct a building addition which will have a setback of 55 feet whereas a minimum front yard setback of 75 feet is required. A variance is required.

2. Section 200-18 – Side Yard Setback – The minimum required side yard setback in the VR zone is 20 feet. The existing dwelling is setback 30.84 feet from the side property line. After the proposed building addition is completed, the setback will be reduced to approximately 13.1 feet. A variance is required.

3. Section 200-18 - Lot Coverage - The maximum lot coverage permitted in the VR zone is 20%. The existing lot coverage on the site is 18.24%. The Applicant is proposing to construct a building addition and the lot coverage will be 21% whereas a maximum of 20% is permitted. A variance is required.

REVIEW COMMENTS:

1. The Applicant is exceeding the maximum permitted lot coverage. The Applicant must demonstrate that the drainage on the adjacent property will not be adversely affected by the proposed building addition.

2. 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.

Open to the Public: No comments.

Motion was made to grant the application complete by Mr. Smith and Mr. Kemmerer. There was a roll call vote with ayes all and an abstention by Mr. LaPollo.

Motion was made to grant the waivers and variances by Mr. Ballistreri and seconded by Mr. Smith. There was a roll call vote with ayes all and abstention by Mr. LaPollo.

Mr. Polistina informed Ms. Fichetola that the resolution would be approved at the July meeting and there would be a 45 day appeal period once the resolution was approved which someone could appeal the Board's action. He stated if she opted to start the project prior to the completion of the appeal process she would be doing it at her own risk.

Dorothy Costello 200 Springdale Lane, Williamstown, NJ 08094 seeking a C-Variance for Block 2604 Lot 683 in the RD zoning district. Application #07-ZB-12.

Mr. Coombs swore in Dorothy Costello and Dante LoSasso. Ms. Costello stated she was looking to raise the roof on a portion of her home to increase the ceiling height of existing rooms. She stated she would be relocating one of the downstairs bathrooms to the second floor and adding a bedroom and office.

Discussion ensued with respect to the renovations to be made. Ms. Costello stated that due to her health conditions she has family members moving in with her.

ENGINEER'S REVIEW:

The Applicant, Dorothy Costello, has submitted an application requesting variance relief for the construction of a second floor expansion of the existing single family dwelling located at 200 Springdale Lane. The subject property is also known as Block 2604, Lot 683 and is located within the RD Rural Development zoning district. The Applicant is requesting a side yard variance for the expansion of an existing non-conforming 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 1 - Plat clearly and legibly drawn or reproduced at a scale not smaller than 1" = 100'.
The plan submitted is not drawn to scale.

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. **The plan submitted is not drawn to scale.**

Item 7 - Title block containing name of preparer, lot and block numbers, date prepared, date of last amendment and zoning district. **The plans submitted do not contain the name of the plan preparer. This information should be provided.**

Item 9 - Scale of map, both written and graphic. **The plan submitted is not drawn to scale.**

Item 11 - Space for signatures of Chairman and Secretary of the Municipal Agency. **This information should be provided on the plan.**

The above items were provided.

Item 18 – Contours to determine the natural drainage of the land.

Item 19 - Natural and artificial watercourses, streams, shorelines and water boundaries and encroachment lines. Item 20 - Wooded areas indicating predominant species and size. 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.

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 used in this district are outlined in Section 200-17 of the Borough's ordinance.

VARIANCES:

1. Section 200-17 - Front Yard Setback - The minimum required front yard setback in the RD zone is 75 feet. The existing dwelling has a front yard setback of 42 feet. The Applicant is proposing to raise the roof on the existing second story of the existing non-conforming structure. A variance is required for the expansion of the existing non-conforming structure.

2. Section 200-17 – Side Yard Setback – The minimum required side yard setback in the RD zone is 30 feet. The existing dwelling has a setback of 22 feet from the side property line. The Applicant is proposing to raise the roof on the existing second story of the existing non-conforming structure. A variance is required for the expansion of the existing non-conforming structure.

REVIEW COMMENTS:

1. The Applicant should provide a plan that is drawn to scale and the name of the plan preparer should be included on the plan.

2. 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. Polistina stated because they were adding an additional bedroom they must contact the County to ensure the septic is acceptable.

Motion was made to deem the application complete by Mr. Ballistreri and seconded by Mr. Smith. There was a roll call vote with ayes all.

Motion was made to grant the waivers and variances by Mr. Ballistreri and seconded by Mr. Parker. There was a roll call vote with ayes all.

Mr. Polistina informed Ms. Costello that the resolution would be approved at the July meeting and there would be a 45 day appeal period once the resolution was approved that someone could possibly appeal the Board's action. He stated if she opted to start the project prior to the completion of the appeal process she would be doing it at her own risk.

Chairman Pitale announced that the next scheduled meeting will be June 20, 2012 at 7 pm.

The meeting was adjourned with ayes all at 7:49 PM.

Respectfully Submitted,

Sherri Thompson
Board Secretary