

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

(Revised)

July 18, 2012

The meeting was called to order at 7:03 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, Richard Levey, Jerome Hoffman
Joel Spiegel, Joe Pino, John Hehre, Michael Yip and
John LaPollo

Absent: Tom Ballistreri, Glenn Smith,

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

Minutes

A motion was made by Mr. Parker and seconded by Mr. Levey to approve the minutes of June 20, 2012. There was a roll call vote with ayes all with abstentions by Mr. Levey, Mr. Parker, Mr. Pino and Mr. Hehre.

RESOLUTIONS:

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.

A motion was made to approve the resolution granting the application by Mr. Kemmerer and seconded by Mr. Parker. There was a roll call vote with ayes all with abstention by Mr. Levey, Mr. Pino and Mr. Hehre.

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.

A motion was made to approve the resolution granting the application by Mr. Kemmerer and seconded by Mr. Parker. There was a roll call vote with ayes all with abstention by Mr. Levey, Mr. Pino, Mr. Hehre and Mr. LaPollo.

APPLICATIONS:

SJ Gas 1 South Jersey Plaza Folsom, NJ 08037 seeking a C-Variance for Block 502 Lots 1,2,3,5 and 8 in the VR/AG zoning district. Application #09-ZB-12.

Mr. Jack Plackter of Fox Rothschild representing SJ Gas. Mr. Plackter reviewed the application to replace the two (2) existing signs.

Mr. Coombs swore in Mr. Ronald Maletich of NW Sign Industries – Project Manager and Steve Rulis of SJ Gas.

Mr. Maletich referenced exhibits A-1 – Site Plan for sign locations, A-2 – Entrance Sign, letters and logo to be illuminated and A-3 Front sign and gave an overview of the project. He stated the V-sign would be replaced with one (1) single sign which would be smaller than the existing sign and the front sign would be replaced with a sign of the same size and would be utilizing the existing the low level spotlights.

ENGINEER’S REPORT:

The Applicant, South Jersey Gas Company, has submitted an application for a C variance to construct a freestanding sign which will exceed the maximum sign area permitted. The site is known as Block 502, Lots 2 and 3 in the Borough’s VI Village Industrial and AG Agricultural zoning districts. The site contains 31.88 acres and contains the existing South Jersey Gas Company headquarters and parking area for the facility. The existing and proposed improvements are located solely within the VI Village Industrial zoning district. The Applicant is proposing to replace two existing freestanding signs on the site with two new freestanding signs. One sign will be replaced with a sign exactly the same size as the existing sign. The existing V-shaped monument sign will be replaced with a single sign having an area of 117 square feet. There is no other development proposed with this application.

COMPLETENESS REVIEW: This application has been reviewed using the Borough’s checklist for C variances. We recommend that the application be deemed **complete** and that the application proceed to the Board for review. The Applicant should either provide the missing items or request waivers from providing these items. 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 known as Block 502, Lots 2 and 3 is located in the VI (Village Industrial) district and in the AG (Agricultural) district. The proposed parking improvements are located solely within the VI Village Industrial zoning district. Permitted uses in this district are outlined in Section 200-19 of the Borough’s ordinance.

VARIANCES: The following variances are required:

1. **Section 200-24.H.2. – Signage: Area.** On-site business or advertising signs may be permitted provided that the total area of such signs do 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 a freestanding sign which will have an area of 117 sf on one side where a maximum area of 20 feet is required. A variance has been requested.

REVIEW COMMENTS:

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.

Meeting opened to the Public. No one in attendance.

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

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

William Nachman 316 E. Collings Drive Williamstown, NJ 08094 seeking a C-Variance for Block 2709 Lot 668 in the RD zoning district. Application #10-ZB-12.

Mr. Coombs swore in Jodi Nachman, William Nachman and June Kapler.314 E. Collings Drive.

Ms. Nachman gave an overview of the application seeking to construct a garage at the rear of the home behind the existing driveway. The main concern is the water runoff to the neighbor's home. Ms. Kapler stated she had no objection to the project so long as there were assurances that there would be no effects to her property. Ms. Nachman stated the runoff would be disbursed to the rear of the property away from Ms. Kapler's home.

ENGINEER'S REPORT:

The Applicant, William Nachman, has submitted an application requesting variance relief for the construction of a one story frame garage on the lot located at 316 E. Collings Drive. The subject property is also known as Block 2709, Lot 668 and is located within the RD Rural Development zoning district. The Applicant is seeking relief from the required side yard setback for the construction of a one story frame garage.

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 15x21, 24x36, or 30x42. **The Applicant has requested a waiver.***

*Item 6 - Key map showing location of tract to be considered in relation to surrounding area within 200 feet. **The Applicant has requested a waiver.***

*Item 18 – Contours to determine the natural drainage of the land. **This information should be provided.***

*Item 25 - Location of existing easements or rights of way including power lines. **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 RD (Rural Development) district. Detached single family dwellings are a permitted use in this district. Permitted uses in this district are outlined in Section 200-17 of the Borough's ordinance.

VARIANCES:

1. Section 200-17 – Side Yard Setback – The minimum required side yard setback in the RD zone is 30 feet. The Applicant is proposing to construct a 20'x24' one-story two-car garage on the lot. The garage will be set back 2.5 feet from the side property line where a minimum side yard setback of 30 feet is required. A variance has been requested.

2. Section 200-17 - Lot Coverage - The maximum lot coverage permitted in the RD zone is 10%. The Applicant is proposing to construct a 20'x24' detached garage on the lot. Based on the plan submitted, the lot coverage proposed is approximately 16% which is greater than the maximum 10% permitted. A variance is required.

REVIEW COMMENTS:

1. A variance for lot coverage may be required. The Applicant should demonstrate that the proposed detached garage will not negatively impact drainage on site and on the adjacent property.
2. The proposed detached garage is not drawn to scale on the plan and is not shown on the plan to be 21 feet from the existing dwelling as indicated by the dimension. The proposed location of the garage should be shown on the plan accurately.
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.

In reference to item #18 it was determined that per a phone conversation between the applicant and Mr. Polistina the information provided on the photo was sufficient to show the contours of the property and so this item is complete.

It was agreed upon that if there were to be any issues that would arise from stormwater runoff the applicant would address the problem immediately and take the necessary steps to correct it and this would be put in writing.

Discussion ensued with respect to relocating the garage to a distance of 5' from the property line as opposed to the 2 ½' requested. It was determined that this would be ok.

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

Meeting open to the public. No one in attendance.

Motion was made to approve the application for waivers provided in the engineer's report including the contours side yard setback and lot coverage to 16% variances and the assurances as discussed was made by Mr. Kemmerer and seconded by Mr. Pino. There was a roll call vote with ayes all

John and Britney Leahey 1340 Mays Landing Road Folsom, NJ 08037 seeking a C-Variance for Block 1701 Lot 9 in the F-20 zoning district. Application #11-ZB-12.

Mr. Coombs swore in John and Britney Leahey 1340 Mays Landing Road. Mr. Leahey stated they were seeking approvals to construct a single family dwelling. They stated that the Pinelands required the home be constructed on one acre of the property so a setback variance is required.

ENGINEER'S REPORT:

The Applicant, John & Britney Leahey, has submitted an application requesting variance relief for the construction of a new single family dwelling on the lot located at 1200 9th Street. The subject property is also known as Block 1701, Lot 9 and is located within the F-20 Forest Area zoning district. The lot contains 20 acres and one acre will be used for development and the remaining area will be deed restricted from future development. The dwelling will be accessed from Eighth Street by way of a proposed 25' wide access easement on Lot 19. Previously, a portion of Third Road between Eighth and Ninth Streets was vacated by the Borough to allow access to Block 1701, Lot 9. The Applicant is seeking relief from the required side yard and rear yard setbacks for the construction of a new single family dwelling.

COMPLETENESS REVIEW: This application has been reviewed using the Borough's checklist for hardship ("C") variances. We recommend that the application be deemed **complete** and that the application proceed to the Board for review.

ZONING REQUIREMENTS: The property is located in the F-20 Forest Area district. Detached single family dwellings are a permitted use in this district. Permitted uses in this district are outlined in Section 200-15 of the Borough's ordinance.

VARIANCES:

1. Section 200-15 – Side Yard Setback – The minimum required side yard setback in the F-20 zone is 75 feet. The Applicant is proposing to construct a new single family dwelling on the lot. The proposed dwelling will have a side yard setback of 38 feet. A variance is required.

2. Section 200-15 - Rear Yard Setback - The minimum required rear yard setback in the F-20 zone is 100 feet. The Applicant is proposing to construct a single family dwelling which will have a rear yard setback of 94 feet. A variance is required.

REVIEW COMMENTS:

1. A copy of the proposed deed restriction should be provided.
2. The north arrow on the variance plan is not consistent with the key map and the tax map for the site.
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.

The applicant stated the address was changed to 2948 8th Street.

Motion was made to deem the Engineer's report complete by Mr. Pino and seconded by Mr. Levey. There was a roll call vote with ayes all.

Meeting opened to the public. No one in attendance.

Motion was made to approve the application for side and rear year variances by Mr. Kemmerer and seconded by Mr. Parker. There was a roll call vote with ayes all.

OLD BUSINESS:

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

Because the required information was not received by the engineer in time for review this application was tabled till the August meeting with no additional noticing required.

Mr. Polistina joined the board at 8:05 PM.

A brief recess was taken and resumed at 8:09 PM.

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. D'Arcy representing the applicant presented Mr. Charlie Thomas to give testimony on the activities that took place at the extraction site from 2001 – 2009.

Mr. Coombs swore in Mr. Charlie Thomas. Mr. Thomas testified he was an employee for Mr. Ellsworth and worked 40 or more hours for 10 or more months of the year from 2001 – 2009. He verified the other employees and their positions at the company. He stated the site was never shut down during the above mentioned timeframe and that all testimony given is in regards to the site in Folsom only.

Discussion ensued with respect to the future plans of the site. Mr. Lance Langraf referenced exhibit A-1. He stated they are requesting to have the same plan approved that was previously proposed. There is about 267,000 cubic yards still to be extracted.

They will continue to reclaim the portions that have already been extracted and try to keep out the ATVs that are damaging what has already been reclaimed. An apron will be installed where the trucks will be exiting to reduce the amount of debris brought out onto 4th Road.

Mr. Polistina referenced the engineer's report dated March 14. The items still required are A14 requiring a signed acknowledgement by the owner and applicant stating they are responsible for the resource extraction activities. The financial guarantee – a form letter of credit was submitted to review. Should approval be granted the applicant will be required to submit the financial guarantees in a form acceptable to the engineer and solicitor to remain while the permit stays in effect and until such time reclamation is complete. The applicant will be required to adhere to the Certificate of Filing from the Pinelands as well as the Cape Atlantic Soil Conservation. They are to continue with the reclamation process to include the areas that were over-mined in the past will be addressed. The abandonment issue has been recently addressed. The Borough has confirmed that dirt had been removed at the end of 2008, though illegally as no permit was issued. The old equipment will need to be removed and the large tires are to be removed if not utilized. An apron is to be installed to stop the dirt from being brought onto the street. Mr. Polistina will request to Mayor and Council to restrict all truck access only to 4th Road. He stated the applicant will be submitting revised plans to assure they are complying with the former mining permit.

Discussion ensued with respect to the operation beginning earlier than the hours of operation. Mr. Coombs referenced the Borough Ordinance 134-3.

Meeting open to the public. No one in attendance.

Mr. D'Arcy stated The Pinelands will require affirmative language regarding the abandonment issue and also how the Resource Extraction operation is a permitted use due to being grandfathered in. Mr. Coombs assured he would address those issues in the resolution.

Motion was to grant the 2 year approval with all the conditions and recommendations to include engineer conditions and signage etc. by Mr. Hehre and seconded by Mr. Pino. There was a roll call vote with ayes all, a no by Mr. Kemmerer and abstentions by Mr. Levey and Mr. LaPollo.

Mr. Polistina discussed that the Laborers Union was sited by the Pinelands for doing site improvements several years ago outside of what the site plan allowed. They are currently submitting an application for a 17,000 sq ft addition.

Discussion ensued with respect to the Harley Dawn solar panels. Mr. LaPollo stated they are required to move them to the roof or construct them on the existing pavement.

A recommendation was made to send a letter to Ferris Associates six (6) months prior to the expiration of the extraction permit as a reminder to renew.

Discussion ensued with respect to the setback requirements for accessory structures and the possibility of reducing the setback requirements.

Chairman Pitale announced that the next scheduled meeting will be August 15, 2012 at 7 pm.

The meeting was adjourned with ayes all at 8:56 PM.

Respectfully Submitted,

Sherri Thompson
Board Secretary