

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

October 19, 2016

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 Gazette and Atlantic City Press and is posted on the bulletin board showing the time and place for the meeting.

**Members Present:** Joe Pino, Ron Esposito, Joel Spiegel, John LaPollo, Lou DeStefano, Ben Pagano, and Claude Jones

**Members Absent:** Charles Pitale, Glen Smith, Dave Cappuccio, Michael Veneziano,

Others Present:           Solicitor:                   Jorge F. Coombs, Esq.  
                                  Board Secretary:       Susan Carroll

Others Absent:           Board Engineer:       Vince Polistina, PE,PP

Vice-Chairman Pino sat in for Chairman Pitale who was absent for the meeting.

**APPROVAL OF MINUTES:**

A motion was made by Mr. Jones and seconded by Mayor DeStefano to approve the minutes of September 21, 2016. There was a roll call vote with ayes all and two abstentions by Mr. Pino and Mr. Esposito.

**DECISION RESOLUTION:**

**05-PZB-2016 - FOLSOM DEVELOPMENT ASSOCIATES LLC / GEORGE SMITH** seeking Preliminary and Final Major Site Plan, Minor Subdivision, Variances, and a Waiver approval at Block 502 – Lot 17 and Block 503 Lots 1, 2, 3, & 4 on the Official Tax Map of the Borough of Folsom – more commonly known as 1402 – 1404 Mays Landing Road to construct a 9100 square foot retail store (Dollar General) and a 1,952 square foot drive-thru café (Dunkin’ Donuts).

Mr. Coombs changed the spelling of the word doughnuts in the Resolution to reflect the corporate logo Dunkin’ Donuts.

A Motion was made by Mr. Spiegle and seconded by Mr. LaPollo to grant the Decision Resolution for Dunkin' Donuts. There was a roll call vote with ayes all and three abstentions by Mr. Pino, Mr. Esposito, and Mr. Jones. The Decision Resolution was approved.

**OTHER BUSINESS:**

The application scheduled for Ferris Associates - Application# 06-ZB-14 – under the name of Linda Bloomfield was postponed to November 16, 2016 with no further need to advertise. It was postponed because Mayor and Council will be meeting with the Special Land Use Attorney in the following week in regard to the Ferris Application.

It was brought to the attention of the Board, Mr. Polistina Borough Solicitor was very familiar with the Application and has worked on it for years. He will be the drafter of the Engineering Report in the Application. He will be away on November 16 and will not return until after Thanksgiving (November 24, 2016). The Applicant and the Applicants Attorney were very courteous in allowing the postponement from Mayor and Council to look at the issues and to discuss with Special Council. It was requested to set another possible date in November for a Special Meeting to hear the Ferris Application to allow Mr. Polistina to be present. November 7<sup>th</sup> or 10<sup>th</sup> and the 14<sup>th</sup> were suggested for the Special Meeting, but Mayor DeStefano would not be available on those dates. Discussion ensued and the Board members agreed November 28, 29, and 30<sup>th</sup> were available dates. Mr. Coombs will check the Board Solicitor availability for those dates and will notify the Board Secretary and will call a Special Meeting. Mr. Coombs expressed an expectation to finalize the Ferris Application. The Special Meeting will be in addition to the Regular Meeting. There were no other issues or comments regarding the rescheduling of the Application.

**OTHER BUSINESS:**

Vice-Chairman Pino suggested Mayor and Council re-visit the Sign Ordinance especially for businesses which are located within the 55 mph speed limit highways in Folsom on the Black Horse Pike and Route 54. There was a recurring theme burdening Applicants who request bigger signs. It was suggested a Motion be made for Council to review the current signs in the Borough which are over regulation size and Adopt a reasonable Ordinance which will not be challenged (Variance requests) every time. It was recommended Mayor and Council revisit the Ordinance and choose an Ordinance which is reasonable. The Ordinance is routinely challenged and Variances are typically granted for.

A Motion was made by Vice-Chairman Pino and seconded by Mr. Pagano to have Mayor and Council revisit the Signage Ordinance with a possible two tier system for at least the 55 mph zone areas, revisit the size, and make it more reasonable and more in line with current standards so as not to burden the resources of the Planning / Zoning Board and their Professionals. There was a roll call vote with ayes all.

The meeting was opened to the public.

Mr. Coombs swore in Donna Sutts, 15 E. Park Ave., Williamston, NJ. Ms. Sutts questioned the Conditional Use Ordinance. At one of the April, May, or June meetings there was a hand out of Conditions which could be considered for certain areas. There was a suggestion at the time to

hold a public meeting for the community to attend and give their suggestions for Conditions to be added to the Conditional Use Ordinance for the residential areas.

Mr. Coombs commented. The Planning/Zoning Board can make detailed recommendations to Council. Council could hear the issue and the public could be heard by Council also. Conditions needed to be reviewed and a date needed to be set for a public forum to discuss some elements to add to the (Conditional Use) Ordinance. Recommendations could be made to Mayor and Council for consideration based on what has been seen and experienced for Resolution.

A public advertisement for next regularly scheduled meeting November 16, 2016 to obtain public suggestions for adding Conditions to the Conditional Use Ordinance was suggested. The recommendations taken by the Planning/Zoning Board would be given to Mayor and Council for their Approval / Adoption.

Ms. Sutts felt the integrity of the Borough needed to be protected for the children and their children. Issues such as speed zones were addressed. Mr. Esposito agreed there needed to be a comprehensive look at the Ordinance.

Vice Chairman Pino explained when the scope of items is broadened it becomes more difficult to address the most important issues. If there were more specific suggestions, the Board could focus on them. He asked for constructive ideas. Ms. Sutts suggested the focus should be commercial properties backing up against residential areas. Mr. Esposito agreed and added there were other issues there. Mr. LaPollo added the Zoning Ordinances are zoned for example Village Residential, Rural Development and all have Conditional Uses, but there are no Conditions for any of the Uses. Mr. Pino asked for constructive ideas. Ms. Sutts responded, now there is Commercial backing to the Residential which was why there are arguments.

Ms. Sutts thought there was a condition for open and close hours (Collings Lakes Food Mkt. Liquor Store). She was told it would be called a "liquor store", but 2 ½ years later found out it can't be called a liquor store, but it is a bar and they can serve. She thought behind her was going to be a liquor store open until 8:00 or 9:00, but it now is a bar which a new owner could do whatever they want with it. They could have it open until 3:00 am and it could be made bigger. She didn't like the idea the business could go up to her property line. She has a pool 20 feet from the property line and was concern cars would be parked near the property line and people would be outside smoking in the woods between the homes. There was nothing to allow for how many can assemble outside. Ms. Sutts stated there was always at least ten people outside.

Vice-Chairman Pino suggested the constructive thoughts could be presented to the Planning and Zoning Board. If the Board were to address generic complaints, it would be left to chance what the Board would consider and might have unsatisfactory results. Sometimes the Board hears disorganized disagreements and not a unified voice. It would be a disservice to have a meeting like that. He asked for it to be put on the agenda and to place a Public Notice for the meeting for the public to bring proposals the Board Members can hear which would resolve issues and to pass on to Borough Council for the purpose of making Ordinances.

Ms. Sutts stated it (Collings Lakes Food Market) was changed from Mercantile to Assembly without the public knowing. She believed if the records were reviewed it was not done correctly and would like to prevent it from happening again. She thanked the Board.

Mr. Pino asked for any other comments from the public. There were no other comments from the public. The public portion of the meeting was closed.

Mr. Pino asked if there were any other issues which needed to be discussed from the Board.

There were no other questions for the Board.

The next scheduled meeting will be November 16, 2016. There may be a Special Meeting later

The meeting was adjourned at 7:34 pm with ayes all.

Respectfully submitted,

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Susan Carroll  
Board Secretary