

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

October 18, 2017

The meeting was called to order at 8:04 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.

ROLL CALL:

Members Present: Charlie Pitale, Glenn Smith, Joel Spiegel, John LaPollo, Mayor DeStefano, Dave Cappuccio, Ben Pagano, Michael Sutts

Members Absent: Joe Pino, Mike Veneziani, Claude Jones

| | | |
|-------------------------------|------------------|--|
| <u>Others Present:</u> | Solicitor: | Jorge F. Coombs, Esq. |
| | Board Engineer: | Jen Heller for Vince Polistina, PE, PP |
| | Board Secretary: | Susan Carroll |

APPROVAL OF MINUTES:

A Motion was made by Mr. Smith and seconded by Chairman Pitale to approve the Minutes of September 20, 2017. There was a roll call vote with ayes all and 3 abstentions

| | |
|-----------------|---------|
| Charlie Pitale | Yes |
| Glenn Smith | Yes |
| Joel Spiegel | Yes |
| John LaPollo | Yes |
| Mayor DeStefano | Abstain |
| Dave Cappuccio | Abstain |
| Ben Pagano | Abstain |
| Michael Sutts | Yes |

DECISION RESOLUTION:

A Motion was made by Mr. LaPollo and seconded by Mr. Smith to grant the Decision Resolution for Orpha Burkett. There was a roll call vote with ayes all and three (3) abstentions.

| | |
|-----------------|---------|
| Charlie Pitale | Yes |
| Glenn Smith | Yes |
| Joel Spiegel | Yes |
| John LaPollo | Yes |
| Mayor DeStefano | Abstain |
| Dave Cappuccio | Abstain |
| Ben Pagano | Abstain |
| Michael Sutts | Yes |

DECISION RESOLUTION:

A Motion was made by Mr. Smith and seconded by Chairman Pitale to grant the Decision Resolution for John Thomas/Doing It Right Corp. There was a roll call vote with ayes all and three (3) abstentions.

| | |
|-----------------|---------|
| Charlie Pitale | Yes |
| Glenn Smith | Yes |
| Joel Spiegel | Yes |
| John LaPollo | Yes |
| Mayor DeStefano | Abstain |
| Dave Cappuccio | Abstain |
| Ben Pagano | Abstain |
| Michael Sutts | Yes |

APPLICATION 08-PB-2017

Storm Properties seeking a Use Variance to change the existing firehouse property to office, warehouse and storage space for an Electrical Contracting Company on Block 301 – Lots 16, 17, & 18, on the Official Tax Map of the Borough of Folsom and more commonly known as 1334 – 1336 Mays Landing Road, Folsom, N. J. The property is located in a split zone Village Residential/Agriculture District.

Mark Rinaldi, Attorney, represented the Applicant Storm Properties, LLC.

Mr. Coombs swore in Mr. Marcucci president of Electri-Tech and Brian Peterman of Peterman Maxey Associates, Engineer for the Applicant. The application was for Storm Properties LLC. The owner and sole member of the Limited Liability Company, Joyce Wallis, was available if the Board had any questions of her as the owner. She was also the sole shareholder of Electri-Tech electrical contracting company and the signor of the Application.

The Use at the property was not permitted because the property was in the VR and AG Zones. The property was purchased from the Municipality by Storm Properties in March of 2017. It was the site of the former Folsom fire hall. They planned to do some minor interior renovations, no renovations on the exterior, and occupy it as an electrical contracting company. The

Certificate of Filing from the Pinelands was available. The County approval was not available because Mr. Brian Walters thought it could be approved administratively without having a hearing. He requested the application be held until Mr. Rinaldi could report any particular comments the Folsom Planning/Zoning Board might have. It was understood any Approval the Board may grant would be Conditioned upon the outside Approval.

Mr. Martucci testified to Electri-Techs general operations. Electri-Tech was an electrical contracting firm. It did electrical work in New Jersey, Pennsylvania, and Delaware for twenty nine (29) years. It was founded by Joyce Wallace and her late husband Mike Wallace. The daily operations consisted of 90% electrical contracting for new construction and renovation work for schools, government buildings and facilities; and 10% of the work was service work for local farmers, local businesses such as South Jersey Gas, and residential customers. Most of their work was on the customers' site. The in-house work was project management document control. The service department operated out of Hammonton in a small pole barn. Their plan was to combine the two into one building for efficiency. The electricians would come on a daily basis to pick up their supplies and go out to the job sites. There was no retail and the property would not be open to the public.

There were seven (7) employees, a service manager who was not on site all the time. There were Project Managers, Estimator, and Mechanics. There were twenty four (24) electricians. The Electricians and Journeymen worked offsite and would hardly ever come to the site. They drove their own personal vehicles to a job site and hardly ever go back to the shop. The hours of operation will be 7:00 to 4:30 Monday thru Friday. No hours on Saturday or Sunday. There were 8 to 10 vehicles owned by electricians. They were Super Duty F-250's, a bucket truck, two cargo vans. The only vehicles on site would be the bucket truck and one F-250. The foremen have the other vehicles and used them to travel back and forth.

There were no proposed modifications or additions planned for the site. There will be a sign by the door where the keystone was. There were no plans for a façade sign or a pole with a sign. The building will be lit, but the (door) sign would not.

There were propose modifications for the inside of the building. The upstairs was a meeting hall prior to the purchase. A conference room, a work area, and 3 offices were planned for upstairs. The existing closets will be reutilized for paper storage and copiers. The two (2) main garage bays will be used for storage of small electrical items left over from jobs such as tape, wire nuts, boxes, light fixtures or lamps. The 3rd garage bay will be used as egress for deliveries. The side bay will be more storage. The main area will be office space and file storage. The bathrooms will be renovated. There were two bathrooms. One would be the men's rooms the other will be the ladies room. There was an old closet which will be converted into an IT room with all of the data.

Most deliveries go from suppliers to the site, but there will be paper deliveries by WB Mason, Cooper an electrical supply house, with Billows small box truck with small items like electrical boxes and fixtures the service men need. There would be nothing major or on big trucks. The deliveries would occur two times per week and the trucks would be on site 15 minutes at most.

The lights on the outside will be replaced, but there would be no additional lighting outside. The light on the flag pole would be changed. The trash which will be generated consisted of wire which would be taken to the scrap yard and cardboard which will be bundled and recycle. There was typically two containers of trash for the Boroughs trash collection and didn't anticipate any more than that. There would be no generators, PCP's, oil, or any materials of the type would not be kept on the property. There would be no manufacturing/assembling on the property.

Some of the firemen asked about the siren. The siren needed to be removed and the firemen needed to go and get it.

Electr-Tec had another location in Dorothy which they will be moving out of and Mr. Martucci was in the process of purchasing his home in Folsom.

There were no other questions from the Board for Mr. Marcucci.

Brian Peterman gave his qualifications. He was a professional Engineer in the State of New Jersey, Delaware, and Pennsylvania. He had been practicing land development engineering for over 30 years and was licensed for over 25 years. He represented a majority of the Boards in South Jersey and represented Boards in South Jersey as their Planning/Zoning Board Engineer and Township Engineer. He was a Bachelors of Agricultural Engineering Graduate from Penn State University.

Mr. Peterman addressed the Existing Conditions Plans marked as Exhibit A1. The Existing Conditions Plans was submitted as part of the Application for the purpose of identifying the existing condition at the site. It was not a Site Plan because there were no site improvements planned. The improvements as existing will remain because the property was ideally suited for Storm Properties in terms of the size of the property, type of facility, and the property location. Improvements were not needed. The property was a 5 ½ acre parcel on Mays Landing Road. It consisted of Block 301 – Lots 16, 17, & 18. The Applicant requested a Use Variance to allow for the proposed Use of storage, and warehouse for the Folsom firehouse. It deviated from the permitted Uses allowed in the in the present VR Village Residential Zoning District. The property was currently vacant. The Use Variance was required and respectfully requested for the Change of Use for the proposed office, storage, and warehouse Use which was not specifically listed as a permitted Use in the VR Zoning District. The Applicant will relocate their business into Folsom and this property met their present needs. Under the Land Use Laws Section 40;55D-70 Special Reason needed to be presented in order for the Board to consider granting the Use Variance and include the positive and negative criteria to determine if there will be any substantial detriment to the public good and will not cause a substantial impairment to the intent and purpose of zoned plan and the Borough's Zoning Ordinance.

The potential negative impact included:

- 1.) Reopening the vacant facility may have more traffic and potential noise than a current vacant facility.

- 2.) Compared to the permitted Use with a VR Zone there could be additional vehicles and trips per day than to that of a single family residential Use, but less than one of the other permitted Uses within the VR Zone such as a convalescent home, church, school, community center, or library which generated more traffic than the testimony of Mr. Martucci. His testimony related to either one or two single family homes with the amount of trips per day.
- 3.) Site Improvements were not proposed. There will not be any additional visual impacts except employee parking which occurred presently within the vacant building, but previously occurred with the firehouse Use.

The positive criteria:

- 1.) The allowance of the proposed Use will bring existing vacant facility back on the tax rolls without impact to the school system. ie. No children and no additional children if converted to a residential use.
- 2.) The Use of offices will have a lessor impact than the prior firehouse Use. There will not be noise sirens, off hour disturbances to the adjacent residential Uses.
- 3.) No disturbances were required for the intended operation vs. another Use which would require reconstruction of the site or some demolition and reconstruction of other facilities which may be permitted.

It was believed the limited Use, traffic flow, operation of the business will not cause an adverse impact to the intent and purpose of the Zone plan under the Zoning Ordinance.

The applicant anticipated moving in by the middle of December or early January, but as soon as possible. Electri-Tech had no intention of renting any portion of the building to any other businesses or occupants for any other purpose because they needed all of the space.

There were no other questions from the Board.

ENGINEERS REPORT:

Vincent J. Polistina, PE, PP, CME
Craig R. Hurless, PE, PP, CME



Civil / Municipal Engineering
Site Plan and Subdivision Design
Surveying
Land Use Planning
Water and Wastewater Design
Environmental Consulting
Inspection / Construction Management

MEMORANDUM

DATE: September 14, 2017

TO: Planning / Zoning Board of Adjustment
Borough of Folsom

FROM: Vincent J. Polistina, PE, PP *VP*
Planning/Zoning Board Engineer

RE: Storm Properties, LLC
Application No. 08-ZB-17
PA No. 4117.08

LOCATION: 1334-1336 Mays Landing Road
Block 301, Lots 16, 17 & 18

STATUS: Use Variance

EXISTING USE: Fire House

PROPOSED USE: Proposed Office, Storage & Warehouse

JURISDICTIONAL AREA: Pinelands

The materials submitted and subject to review are as follows:

| NO. | TITLE | PREPARED BY | DATE | REVISION |
|--------|--------------------------|-----------------------------------|---------|----------|
| | Application Materials | Applicant | 6-13-17 | |
| 1 of 1 | Existing Conditions Plan | Peterman Maxcy Associates, LLC | 7-11-17 | |
| | Certificate of Filing | Pinelands Commission | 8-15-17 | |

DESCRIPTION:

The Applicant, Storm Properties, LLC, has submitted an application requesting use variance approval to permit a change of use on the subject property, Lots 16, 17 and 18 in Block 301. The site is located at 1334-1336 Mays Landing Road and contains a total area of 5.49 acres. The site is located in the AG Agricultural and VR Village Residential zoning districts. The site contains an existing two-story masonry and brick fire house and a bituminous parking area and all existing site improvements are located within the VR Village Residential zoning district.

6684 Washington Avenue, Egg Harbor Township, NJ 08234
Phone: 609.646.2950 Fax: 609.646.2949
E-mail: polistinaassoc@comcast.net

The Applicant purchased the property from the Borough of Folsom and is seeking a use variance ("D" variance) approval to use the existing building for offices, storage and warehousing for an electrical contracting business. No exterior site improvements are proposed.

COMPLETENESS REVIEW: This application has been reviewed using the Borough's checklist for use ("D") variances. We recommend the application be deemed complete.

ZONING REQUIREMENTS: The property is located in the VR Village Residential and the AG Agricultural zoning districts. Permitted uses in the VR district are outlined in Section 200-18 of the Borough's ordinance. The Applicant is proposing to change the use of the existing building to office, storage and warehouse for an electrical contracting business, which is not a permitted use in this district. All existing site improvements are located within the VR district.

The following is a list of the area and bulk requirements for the proposed development:

| Standard | Required | Proposed | Status |
|--|-------------|-----------------------------|----------------|
| Use | Per §200-18 | Office, Storage & Warehouse | Non-Conforming |
| Lot Area | 2 acres | 5.49 acres | Conforming |
| Lot Width | 135 ft | 235 ft | Conforming |
| Lot Depth | 200 ft | 886 ft | Conforming |
| Front Yard Setback | 75 ft | 95.3 ft | Conforming |
| Side Yard Setback | 20 ft | 31.5 ft/110.6 ft | Conforming |
| Rear Yard Setback | 50 ft | 704.4 feet | Conforming |
| Principal Building Height | 35 feet max | < 35 feet | Conforming |
| Coverage | 20% | 14% | Conforming |
| Off-Street Parking One space per 150 sf office area, plus one space per employee | I | I | I |

ENC = Existing Non-Conforming

*Measured to accessory structure

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

VARIANCES:

- Section 200-18.A. – Permitted Use.** The Applicant is proposing to change the use of the existing building from a fire house to a proposed office with storage and warehousing for an electrical contracting business. Offices and warehouses are not permitted uses in the VR Village Residential zoning district. The Applicant has requested a use variance.

Pursuant to N.J.S.A. 40:55D-70(d), no use variance can be granted without showing that the variance or other relief can be granted without impairing the intent and purpose of the

Zone Plan and Zoning Ordinance. In requesting the variance, the applicant must demonstrate both the positive and negative criteria that will result from the deviation from the Zone Plan and Zoning Ordinance. The Board must balance the special reasons that have been provided versus the negative impacts that will be created when deliberating the relief that has been requested. Should the Board feel that the applicant has demonstrated that special reasons exist, the negative impacts have been addressed, and there will not be a significant impairment of the zone plan or zoning ordinance, the applicant has provided the burden of proof necessary to allow for granting of the variance.

REVIEW COMMENTS:

1. The Applicant has submitted a use variance application to change the use from a fire house to an office with storage and warehousing, which is not permitted in either the VR Village Residential or the AG Agricultural zoning districts. No site improvements are proposed, however, the change of use will require improvements to the off-street parking. At a minimum, the Applicant should provide striping to delineate the proposed parking spaces, and provide handicap accessible parking in accordance with §200-29.I.(2).
2. The Applicant should provide testimony regarding the operations of the proposed use. The Applicant should indicate if vehicles for the business will be parked on the site or if any outdoor storage of materials is proposed.
3. The Applicant should indicate if any signage is proposed.
4. This application is subject to the approval of any other agency having jurisdiction on this project. The Applicant should discuss the status of any other approvals.

Should there be any questions regarding the contents of this report, please feel free to contact this office.

Waivers were not required.

A Motion was made by Mr. Pagano and seconded by Mayor DeStefano to deem the Application complete. There was a roll call vote with ayes all.

| | |
|-----------------|-----|
| Charlie Pitale | Yes |
| Glenn Smith | Yes |
| Joel Spiegel | Yes |
| John LaPollo | Yes |
| Mayor DeStefano | Yes |
| Dave Cappuccio | Yes |
| Ben Pagano | Yes |
| Michael Sutts | Yes |

The only variances requested were from Section 200-18a. Permitted Use because offices and/or houses were not a permitted Uses in the Village Residential. The Borough's Engineer requested the parking onsite be delineated. The Applicant had no objection subject to the Conditional Approval and knew ADA access to the building and parking stall needed to be addressed and anticipated all parking to be on existing impervious surface. The ADA parking stall would be located along the south side

There will be a small door mounted sign to identify the property for deliveries and property identification for the building. Since the ordinance only allowed for 20 sq. ft. signs, it was suggested to obtain a variance for the sign, but the sign will be significantly smaller than 20 sq. ft. It was anticipated a 2' x 2' sign would be too large.

There were no existing non-conformities. The property complied with the lot area and all of the setbacks. It was only the Use which did not comply.

There were no other questions for the Engineer. The meeting was opened to the public for comment or input. Hearing none the public portion was closed.

There were no other questions from the Board.

Class I and Class III members were exempt from the vote of a D Variance.

A motion was made by Mr. Smith and seconded by Mr. Cappuccio to grant Change of Use and allow the Use Variance within the Zone. Offices were not a permitted Uses within the VR Zoning District. There was a roll call vote with ayes all.

| | |
|----------------|-----|
| Charlie Pitale | Yes |
| Glenn Smith | Yes |
| Joel Spiegel | Yes |
| John LaPollo | Yes |
| Dave Cappuccio | Yes |
| Michael Sutts | Yes |

OTHER BUSINESS:

There was a follow up on last month's Liberty Square issue with the tent. The letter was not completed, but the Solicitor will contact the landlord's attorney. They were seen working there the last couple of Sundays cooking on the outdoor grill. It was unclear if food was being served. The Solicitor will be in touch with the landlord's attorney. The State Fire Inspector's boss issued a permit for the tent along with a burn permit for the smoker. It was a violation of the Borough's Accessory Structure Ordinance. It was typical to use a State Inspector for Fire. The tent was in the Fire Lane. State Fire Inspections were ongoing for years in the Borough. They inspect every business to make sure fire extinguishers were replaced and egress. It was a routine. It was not clear if the permit was Conditioned, but the Inspector's boss will be contacting the Borough in the coming day and more information will be provided which will be emailed to the Borough's Solicitor. It was unclear how the permit(s) could be issued when it was a violation of the Borough's Ordinances.

OTHER BUSINESS:

There was an update on the Master Plan. The Borough's Solicitor was working on the plan and it will be discussed at the November Council Meeting. A proposal was received from the State of New Jersey Local Planning Services at no cost for the update of the Master Plan. The Council will discuss it and will need to pass a Resolution. A committee will be formed to work with them (the State) through the process of updating the Master Plan should include expanding areas on the Black Horse Pike and changing some of the Use. More information will be available after November. Someone from the Planning Board will be asked to join the committee. The project was moving forward at no cost to the Borough.

There was no other business for the Board.

The next scheduled meeting will be November 15, 2017.

Meeting adjourned 8:02 pm.

Respectfully submitted,

Susan Carroll