

**BOROUGH OF FOLSOM  
COUNCIL MEETING  
MINUTES  
December 10, 2019**

**MEETING CALLED TO ORDER: 7:17PM**

**SALUTE TO THE FLAG LED BY Mayor Lou DeStefano**

**OPENING STATEMENT:** Adequate notice of this meeting has been given in accordance with the directives of the "Open Public Meetings Act", pursuant to Public Law 1975, Chapter 231. Said notice of this meeting has been advertised in the Hammonton Gazette and has been posted on the Borough Hall bulletin board showing the time and place of said meeting.

**ROLL CALL:** Councilpersons: Conway, Jantz, Arena, Hoffman and Schenker

Mayor DeStefano stated that Councilman Schenker left the meeting briefly and will return.

**Also present:** Attorney John Carr and Jen Heller (Vince Poistina & Assoc.)

**Absent:** Councilman Pagano

Mayor DeStefano asked for a moment of silence on the passing of Chuck Chiarello the Mayor of Buena Vista Township

**APPROVAL OF WORKSHOP MEETING MINUTES FROM November 12, 2019**

A motion to approve the minutes was made by Councilman Arena and seconded by Councilman Hoffman

There was a roll call vote with ayes all.

Councilman Schenker returned at 7:21PM.

Councilman Schenker stated why he had to leave the meeting.

**APPROVAL OF THE COUNCIL MEETING MINUTES FROM November 12, 2019**

A motion to approve the minutes was made by Councilman Arena and seconded by Councilman Hoffman

There was a roll call vote with ayes all.

**MEETING OPEN TO PUBLIC: No Comments**

**CLERK'S CORRESPONDENCE:**

Borough Hall Offices will be closed on December 24, December 25, 2019 and January 1, 2020 in observance of Christmas and New Year's Day.

**ORDINANCES: (Adoption/Second Reading)**

**BOROUGH OF FOLSOM  
ATLANTIC COUNTY, NEW JERSEY**

**ORDINANCE 07-2019**

**AN ORDINANCE AMENDING CHAPTER 170, SUBDIVISION AND LAND DEVELOPMENT,  
AND  
CHAPTER 200, ZONING, OF THE CODE OF THE BOROUGH OF FOLSOM, COUNTY OF  
ATLANTIC  
AND STATE OF NEW JERSEY**

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**BE IT ORDAINED** by the Mayor and Council of the Borough of Folsom, County of Atlantic, State of New Jersey, as follows:

**I. PURPOSE:** The purpose of this Ordinance is to amend Chapter 170, Subdivision and Land Development, and Chapter 200, Zoning, of the Code of the Borough of Folsom in response to amendments to the Pinelands Comprehensive Management Plan related to cluster development, effective April 6, 2009 and the Borough Master Plan Re-Examination Report adopted by the Borough of Folsom in November 2018.

**II. Chapter 170, §170-30, Conservation subdivision, is hereby deleted in its entirety.**

**III. Article II, §200-6, “Definitions”, is hereby amended by replacing or adding the following definitions:**

**FORESTRY** - The planting, cultivating and harvesting of trees for the production of wood products, including firewood or for forest health. It includes such practices as reforestation, site preparation and other silvicultural practices, including but not limited to artificial regeneration, bedding, broadcast scarification, clear-cutting, coppicing, disking, drum chopping, group selection, individual selection, natural regeneration, root raking, seed tree cut, shelter wood cut and thinning. For purposes of this Chapter, the following activities shall not be defined as forestry:

A. Removal of trees located on a parcel of land one acre or less on which a dwelling has been constructed;

B. Horticultural activities involving the planting, cultivating or harvesting of nursery stock or Christmas trees;

C. Removal of trees necessitated by the development of the parcel as otherwise authorized by this Chapter;

- D. Removal of trees necessary for the maintenance of utility or public rights-of-way;
- E. Removal or planting of trees for the personal use of the parcel owner; and
- F. Removal of trees for public safety.

**IMPERMEABLE SURFACE** — any surface which does not permit fluids to pass through or penetrate its pores or spaces, typically having a maximum permeability for water of  $10^{-7}$  cm/second at the maximum anticipated hydrostatic pressure. The term “impermeable” is equivalent in meaning.

**IMPERVIOUS SURFACE** — Any surface that has been compacted or covered with a layer of material so that it prevents, impedes or slows infiltration or absorption of fluid, including stormwater directly into the ground, and results in either reduced groundwater recharge or increased stormwater runoff sufficient to be classified as impervious in Urban Areas by the United States Department of Agriculture, Natural Resources Conservation Service Title 210 - Engineering, 210-3-1 - Small Watershed Hydrology (WINTR-55) Version 1.0. Such surfaces may have varying degrees of permeability.

**RESOURCE MANAGEMENT SYSTEM PLAN-** A plan, prepared in accordance with the United States Department of Agriculture, Natural Resources Conservation Service New Jersey Field Office Technical Guide, dated June 2005. Such plans shall prescribe needed land treatment and related conservation and natural resources management measures, including forest management practices, for the conservation, protection and development of natural resources, the maintenance and enhancement of agricultural or horticultural productivity, and the control and prevention of non-point source pollution; and establish criteria for resource sustainability of soil, water, air, plants and animals.

**IV. Article IV, District Regulations, §200-15A(1), F Forest Area Districts (F-20 and F-30), is hereby amended to read as follows:**

(1) Detached single-family dwellings. Clustering of the permitted single-family detached dwellings shall be required whenever two or more units are proposed as part of a residential development. The following standards shall apply:

(a) Permitted density:

[1] In the F-20 Zone: one unit per 20 acres; and

[2] In the F-30 Zone: one unit per 30 acres

(b) The number of residential lots permitted within the cluster shall be calculated on the basis of the size of the parcel of land and the density permitted in (a) above, with a bonus applied as follows:

<b>Parcel Size</b>	<b>F-20 Zone</b>	<b>F-30 Zone</b>
<50 acres	0	0
50-99.99 acres	20%	25%
100-149.99 acres	25%	30%
≥150 acres	30%	40%

- (c) The residential cluster shall be located on the parcel such that the development area:
  - [1] Is located proximate to existing roads;
  - [2] Is located proximate to existing developed sites on adjacent or nearby parcels;
  - [3] Is or will be appropriately buffered from adjoining or nearby non-residential land uses; and
  - [4] Conforms with the minimum standards of Article VII, Borough Development Standards.
  
- (d) Development within the residential cluster shall be designed as follows:
  - [1] Residential lots shall be one acre in size but may be larger if dictated by unusual site conditions. In no case shall the average size of residential lots within a cluster exceed 1.1 acres;
  - [2] Minimum lot width and yard requirements shall be as follows:
    - [a] Lot frontage: 100 feet;
    - [b] Lot depth: 150 feet;
    - [c] Side yard: 25 feet;
    - [d] Front yard: 40 feet; and
    - [e] Rear yard: 30 feet
  - [3] Individual on-site septic waste water treatment systems which are not intended to reduce the level of nitrate/nitrogen in the waste that comply with the standards of §200-47B(4) may serve the lots within the cluster development area. However, in the event that existing agricultural uses will continue on the parcel in accordance with (e)[2][b] below, individual on-site septic waste water treatment systems shall comply with the standards of §§200-47B(5) or (7). Community on-site waste water treatment systems serving two or more residential dwelling units which meet the standards of §§200-47B(5) or (7) shall also be permitted;
  - [4] The residential cluster development area shall include such land and facilities as are necessary to support the development, including wastewater facilities, stormwater management facilities and recreation amenities; and
  - [5] Permitted recreation amenities may include playgrounds, tot lots, swimming pools, tennis courts and other such recreational facilities, which are solely for use by the residents of the cluster development. Recreational amenities shall not be limited to the foregoing so that the applicant may propose additional facilities. All such facilities shall be accessory to the residential cluster development. No advertising or

commercial enterprise shall be permitted. In no case may such amenities occupy more than one-half acre of land or the equivalent of one acre of land for every 25 residential lots, whichever is greater.

- (e) The balance of the parcel located outside of the residential cluster development shall be owned and managed by a duly constituted homeowners' association, a non-profit conservation organization, Folsom Borough or incorporated as part of one of the lots within the cluster development area.

[1] All such land shall be permanently protected through recordation of a deed of conservation restriction. Such restriction shall be in favor Folsom Borough or another public agency or non-profit conservation organization. In all cases, such restriction shall be expressly enforceable by the Pinelands Commission; and

[2] The deed of restriction shall permit the parcel to be managed for:

[a] Low intensity recreation, ecological management and forestry, provided that no more than five percent of the land may be cleared, no more than one percent of the land may be covered with impervious surfaces and any such uses or activities are approved and conducted in accordance with the requirements of Chapter 200;

[b] Where agricultural use exists on a parcel proposed for cluster development, the following standards shall apply:

[i] For those agricultural uses in existence as of April 6, 2009, the deed of restriction may provide for the continuation of agricultural uses and the expansion of the area of agricultural use by up to 50 percent;

[ii] For those agricultural uses established after April 6, 2009, the deed of restriction may provide for the continuation of agricultural uses, provided the agricultural use has been in existence for a period of at least five years prior to submission of an application for cluster development;

[iii] For those agricultural uses established after April 6, 2009 which do not meet the standards of [b][i] or [ii] above, the deed of restriction shall permit the land to be managed only in accordance with [a] above and shall not provide for continuation of any agricultural use on the parcel;

[iv] The deed of restriction to be recorded pursuant to [b][i] or [ii] above shall authorize agricultural uses and provide that impervious surface may not exceed that which currently exists or three percent, whichever is greater, unless a Resource

Management System Plan has been prepared. Before these impervious surface limits may be exceeded, evidence of Pinelands Commission approval of the Resource Management System Plan shall be provided. If the deed of restriction is in favor of Atlantic County or the State Agricultural Development Committee, evidence of their approval shall also be provided; and

[v] For parcels which meet the standards of [b][i] or [ii] above, a provision shall be recorded in the deed for each residential lot within the cluster development area which acknowledges agricultural use of the protected land outside the cluster development area and recognizes the legal protections afforded to that use through the deed of restriction and any applicable statutes.

**V. Article IV, District Regulations, §200-15B, F Forest Area Districts (F-20 and F-30), is hereby amended through the addition of the following as Subsection B(11):**

(11) Single-family detached dwellings which are not clustered in accordance with the standards of §200-15A(1) above, provided that:

(a) The Planning Board finds that:

[1] Clustering of the proposed dwellings would be inconsistent with the standards of Article VII, Borough Development Standards; or

[2] Clustering of the proposed dwellings would disrupt the contiguity of the forest ecosystem to a greater degree than non-clustered development.

(b) Minimum lot size:

[1] F-20 Zone: 20 acres.

[2] F-30 Zone: 30 acres.

**VI. Article IV, District Regulations, §200-17A(1), RD Rural Development District, is hereby amended to read as follows:**

(1) Detached single-family dwellings. Clustering of the permitted single-family detached dwellings shall be required whenever two or more units are proposed as part of a residential development. The following standards shall apply:

(a) Permitted density shall be one unit per 5.5 acres;

- (b) The number of residential lots permitted within the cluster shall be calculated on the basis of the size of the parcel of land and the density permitted in (a) above, with a bonus applied as follows:
  - [1] For parcels under 50 acres in size: 0 bonus units
  - [2] For parcels between 50 and 99.99 acres in size: 15% bonus
  - [3] For parcels between 100 and 149.99 acres: 20% bonus
  - [4] For parcels of 150 acres or more in size: 25% bonus
- (c) The residential cluster shall be located on the parcel such that the development area:
  - [1] Is located proximate to existing roads;
  - [2] Is located proximate to existing developed sites on adjacent or nearby parcels;
  - [3] Is or will be appropriately buffered from adjoining or nearby non-residential land uses; and
  - [4] Conforms with the minimum standards of Article VII, Borough Development Standards.
- (d) Development within the residential cluster shall be designed as follows:
  - [1] Residential lots shall be one acre in size but may be larger if dictated by unusual site conditions. In no case shall the average size of residential lots within a cluster exceed 1.1 acres;
  - [2] Lot width and yard requirements shall be as follows:
    - [a] Lot frontage: 100 feet;
    - [b] Lot depth: 150 feet;
    - [c] Side yard: 25 feet;
    - [d] Front yard: 40 feet; and
    - [e] Rear yard: 50 feet
  - [3] Individual on-site septic waste water treatment systems which are not intended to reduce the level of nitrate/nitrogen in the waste that

comply with the standards of §200-47B(4) may serve the lots within the cluster development area. However, in the event that existing agricultural uses will continue on the parcel in accordance with (e)[2][b] below, individual on-site septic waste water treatment systems shall comply with the standards of §§200-47B(5) or (7). Community on-site waste water treatment systems serving two or more residential dwelling units which meet the standards of §§200-47B(5) or (7) shall also be permitted;

[4] The residential cluster development area shall include such land and facilities as are necessary to support the development, including wastewater facilities, stormwater management facilities and recreation amenities; and

[5] Permitted recreation amenities may include playgrounds, tot lots, swimming pools, tennis courts and other such recreational facilities, which are solely for use by the residents of the cluster development. Recreational amenities shall not be limited to the foregoing so that the applicant may propose additional facilities. All such facilities shall be accessory to the residential cluster development. No advertising or commercial enterprise shall be permitted. In no case may such amenities occupy more than one-half acre of land or the equivalent of one acre of land for every 25 residential lots, whichever is greater.

(e) The balance of the parcel located outside of the residential cluster development shall be owned and managed by a duly constituted homeowners' association, a non-profit conservation organization, Folsom Borough or incorporated as part of one of the lots within the cluster development area.

[1] All such land shall be permanently protected through recordation of a deed of conservation restriction. Such restriction shall be in favor Folsom Borough or another public agency or non-profit conservation organization. In all cases, such restriction shall be expressly enforceable by the Pinelands Commission; and

[2] The deed of restriction shall permit the parcel to be managed for:

[a] Low intensity recreation, ecological management and forestry, provided that no more than five percent of the land may be cleared, no more than one percent of the land may be covered with impervious surfaces and any such uses or activities are approved and conducted in accordance with the requirements of Chapter 200;

[b] Where agricultural use exists on a parcel proposed for cluster development, the following standards shall apply:



[i] For those agricultural uses in existence as of April 6, 2009, the deed of restriction may provide for the continuation of agricultural uses and the expansion of the area of agricultural use by up to 50 percent;

[ii] For those agricultural uses established after April 6, 2009, the deed of restriction may provide for the continuation of agricultural uses, provided the agricultural use has been in existence for a period of at least five years prior to submission of an application for cluster development;

[iii] For those agricultural uses established after April 6, 2009 which do not meet the standards of [b][i] or [ii] above, the deed of restriction shall permit the land to be managed only in accordance with [a] above and shall not provide for continuation of any agricultural use on the parcel;

[iv] The deed of restriction to be recorded pursuant to [b][i] or [ii] above shall authorize agricultural uses and provide that impervious surface may not exceed that which currently exists or three percent, whichever is greater, unless a Resource Management System Plan has been prepared. Before these impervious surface limits may be exceeded, evidence of Pinelands Commission approval of the Resource Management System Plan shall be provided. If the deed of restriction is in favor of Atlantic County or the State Agricultural Development Committee, evidence of their approval shall also be provided; and

[v] For parcels which meet the standards of [b][i] or [ii] above, a provision shall be recorded in the deed for each residential lot within the cluster development area which acknowledges agricultural use of the protected land outside the cluster development area and recognizes the legal protections afforded to that use through the deed of restriction and any applicable statutes.

**VII. Article IV, District Regulations, §200-17B, RD Rural Development District, is hereby amended through the addition of the following as Subsection B(9):**

- (9) Single-family detached dwellings which are not clustered in accordance with the standards of §200-17A(1) above, provided that:
  - (a) The Planning Board finds that:

- [1] Clustering of the proposed dwellings would be inconsistent with the standards of Article VII, Borough Development Standards; or
- [2] Clustering of the proposed dwellings would disrupt the contiguity of the forest ecosystem to a greater degree than non-clustered development.

(2) Minimum lot size shall be 5.5 acres.

**VIII. Article VII, Borough Development Standards, §200-48, Scenic corridors, is hereby amended through the addition of the following as Subsection §200-48A(1):**

(1) Except for those roads which provide for internal circulation within residentially developed areas, all public paved roads in the Forest Area Districts, Forest Commercial District, Rural Development Commercial District and the Rural Development District shall be considered scenic corridors.

**IX. Article VII, Borough Development Standards, §200-48B, Scenic corridors, is hereby amended through the addition of the following as Subsection §200-48B(5):**

(5) The requirements of B(1) through (3) above shall not apply to residential cluster developments that comply with the standards of §200-15A(1) or 17A(1).

**X. Article VIII, Administration and Enforcement, §200-63B, Density Transfer Program, is hereby amended to read as follows:**

B. Density transfer program. Detached single-family dwellings on 1.0 acre lots existing as of January 14, 1981 shall be permitted in the F-20, F-30 and RD Zones, provided that:

(1) The owner of the lot proposed for development acquires sufficient vacant contiguous or noncontiguous land which, when combined with the acreage of the lot proposed for development, equals at least the following:

(a) Five and five-tenths acres if development is proposed in the RD Zone;

(b) Twenty and zero-tenths acres if development is proposed in the F-20 Zone and all acquired noncontiguous lands are located in the F-20 Zone;

(c) Twenty-nine and five-tenths acres if development is proposed in the F-20 Zone and all acquired noncontiguous lands are located in the F-30 Zone; and

(d) Thirty and zero-tenths acres if development is proposed in the F-30 Zone.

(2) If the lot proposed for development is located in the RD Zone, all lands acquired pursuant to Subsection B(1) above, which may or may not be developable, must be located within the RD Zone;

(3) If the lot proposed for development is located in the F-20 Zone, all lands acquired pursuant to Subsection B(1) above, which may or may not be developable, must be located in the F-20 or F-30 Zones;

(4) If the lot proposed for development is located in the F-30 Zone, all lands acquired pursuant to Subsection B(1) above, which may or may not be developable, must be located in the F-30 Zone.

(5) All noncontiguous lands acquired pursuant to Subsections B(1) through (4) above shall be permanently protected through recordation of a deed of restriction in accordance with the following requirements:

(a) The deed of restriction shall permit the parcel to be managed for:

[1] Low intensity recreation, ecological management and forestry, provided that no more than five percent of the land may be cleared, no more than one percent of the land may be covered with impervious surfaces and any such uses or activities are approved and conducted in accordance with the requirements of Article VII;

[2] Where agricultural use exists on a parcel to be protected, the following standards shall apply:

[a] For those agricultural uses in existence as of April 6, 2009, the deed of restriction may provide for the continuation of agricultural uses and the expansion of the area of agricultural use by up to 50 percent;

[b] For those agricultural uses established after April 6, 2009, the deed of restriction may provide for the continuation of agricultural uses, provided the agricultural use has been in existence for a period of at least five years prior to submission of an application for density transfer;

[c] For those agricultural uses established after April 6, 2009 which do not meet the standards of (a)[2][b] above, the deed of restriction shall permit the land to be managed only in accordance with (a)[1] above and shall not provide for continuation of any agricultural use on the parcel; and

[d] The deed of restriction to be recorded pursuant to (a)[2][a] or [b] above shall authorize agricultural uses and provide that impervious surface may not exceed that which currently exists or three percent, whichever is greater, unless a Resource Management System Plan has been prepared. Before

these impervious surface limits may be exceeded, evidence of Pinelands Commission approval of the Resource Management System Plan shall be provided. If the deed of restriction is in favor of Atlantic County or the State Agricultural Development Committee, evidence of their approval shall also be provided.

- (b) The deed of restriction shall be in favor of the parcel to be developed and the Borough or another public agency or non-profit conservation organization. In all cases, such restriction shall be expressly enforceable by the Pinelands Commission. The deed restriction shall be in a form to be approved by the Borough Solicitor and the Pinelands Commission.
- (6) Tax assessments for the acquired noncontiguous lands are combined and assigned to the land to be developed; and
- (7) The lot proposed for development otherwise meets the minimum standards of Article VII of this chapter.

**XI. Article VIII, Administration and Enforcement, §200-65, Other uses permitted in specific zones, is hereby amended by revising §200-65B(1) to read as follows:**

(1) Low-intensity recreational uses, provided that:

- (a)-(e) No change
- (f) No more than 1% of the parcel will be covered with impervious surfaces.

**XII. Article VIII, Administration and Enforcement, §200-65, Other uses permitted in specific zones, is hereby amended by revising §200-65G to read as follows:**

G. Public service infrastructure, provided that:

- (1) Public service infrastructure in the Forest Districts shall be intended to primarily service only the needs of the Pinelands;
- (2) Centralized wastewater treatment and collection facilities shall be permitted to service the Forest Districts, Agricultural District, Rural Development District and Rural Development Commercial District only in accordance with **§200-47B(2)**.

**XIII. Amend Table I: Use, Area, Yard and Bulk Regulations by inserting “Note 4” as follows:**

- (4) The minimum lot areas set forth above for the F-20, F-30, FC and RD Zones are for existing lots of record. Developments of two or more units in the F-20, F-30, FC or RD Zones must be clustered on one acre lots in accordance with §200-15(A)(1) or 17(A)(1).

**XIV. Article III, Zoning Districts; Zoning Map, §200-7, Establishment of Districts, is hereby amended by to read as follows:**

For purposes of this chapter, the Borough of Folsom is hereby divided into the following use districts:

F-20 Forest  
F-30 Forest  
RD Rural Development  
RDC Rural Development Commercial  
AG Agricultural Production  
FC Forest Commercial [sending and receiving]  
VR Village Residential  
VI Village Industrial

**XV. Article III, Zoning Districts; Zoning Map, §200-8, Zoning Map, is hereby amended by to read as follows:**

§ 200-8. Zoning Map.  
[Amended TBD-2019 by Ord. No. TBD-2019]

The Zoning Map, dated September 1988, as amended, shows each district and is on file in the office of the Borough Clerk/Municipal Administrator.

**XVI. Article IV, District Regulations, §200-16, FC Forest Commercial District, is hereby amended to read as follows:**

A. Permitted uses. Within the Forest Commercial District, no premises, lot, land, building or structure shall be erected or altered to be used or developed and no building shall be used in whole or in part unless it complies with Table 1 and the following regulations:

(1) Within that portion of the Forest Commercial District designated as FC-R (Forest Commercial - Receiving) on the Borough Zoning Map:

(a) Those uses permitted in the Forest Area Districts pursuant to § 200-15A, except that single-family detached dwellings shall be permitted only if in existence as of November 12, 2019.

(b) Roadside retail sales and service establishments, bars, taverns, garden centers, banks, auto car washes, sales and service centers, hotels, motels, theaters, offices, commercial trade training facilities and like uses to serve Pinelands residents and travelers.

(2) Within that portion of the Forest Commercial District designated as FC-S (Forest Commercial - Sending) on the Borough Zoning Map:

(a) Those uses permitted in the Forest Area Districts pursuant to § 200-15A, except that single-family detached dwellings shall be permitted only if in existence as of November 12, 2019.

B. Conditional uses by permit. In addition to the above permitted uses for the Forest Commercial District, there shall be permitted the following uses or necessary accessories to the above-described permitted uses upon obtaining a conditional use permit from the Planning Board, subject to the standards and regulations set forth herein:

(1) Low-intensity recreational uses in accordance with § 200-65B

(2) Public service infrastructure in accordance with § 200-65G

C. No change.

D. Prohibited Uses. The following uses are specifically prohibited in the Forest Commercial District:

(1) New or used auto sales or auto service centers

(2) Uses of an adult-oriented nature, including massage parlors, etc.

(3) Drive-in and fast-food restaurants

E. through G. No change

H. Signage. To the maximum extent practical, the character, composition and construction materials of all signs shall be harmonious with the rural character of the Pinelands. There shall be no flashing or neon signs permitted in the Borough.

**XVII. Article IV, District Regulations, §200-17, RD Rural Development District, is hereby amended through the addition of the following as Subsection C:**

C. Prohibited uses. The following uses are specifically prohibited in the Rural Development District:

(1) Uses of an adult-oriented nature, including massage parlors, exotic dancing, etc.

(2) Drive-in and fast-food restaurants.

**XVIII. Article IV, District Regulations, is hereby amended through the addition of the following as § 200-17.1, RDC Rural Development Commercial District:**

§ 200-17.1. RDC Rural Development Commercial District

A. Permitted uses. Within the Rural Development Commercial District, no premises, lot, land, building or structure shall be erected or altered to be used or developed and no building shall be used in whole or in part unless it complies with Table 1 and the following regulations:

- (1) Recreational facilities, other than amusement parks;
- (2) Agricultural products sales establishments;
- (3) Agricultural processing facilities and other light industrial uses;
- (4) Community commercial uses consisting of roadside retail sales and service establishments, bars, taverns, restaurants, garden centers, banks, auto car washes, sales and service centers, hotels, motels, theaters, offices, commercial trade training facilities and like uses to serve Pinelands residents and travelers;
- (5) Signs in accordance with the standards of § 200-23 and § 200-24. To the maximum extent practicable, the character, composition and construction materials of all signs shall be harmonious with the rural character of the Pinelands. No flashing or neon signs shall be permitted;
- (6) Accessory uses;
- (7) Public service infrastructure in accordance with § 200-65G
- (8) Single-family detached dwellings in accordance with § 200-17(A) above, provided such dwellings are in existence as of November 12, 2019.

B. Prohibited Uses. The following uses are specifically prohibited in the Rural Development Commercial District:

- (1) Residential development not in accordance with A(8) above.
- (2) New or used auto sales or auto service centers
- (3) Uses of an adult-oriented nature, including massage parlors, exotic dancing, etc.

- (4) Cemeteries
- (5) Drive-in and fast-food restaurants
- (6) Resource Extraction
- (7) Solar energy facilities

C. Building length. Development is encouraged in the form of cluster building rather than linear development. Development should be carried out in a “campus” style subject to limitations based on site size and configuration. Strip-type retail development is discouraged in this zone. To encourage development in that form, a significant building offset and roof offset of at least five feet is required for every 60 feet of building length.

D. Landscaping and screening. A landscaping plan must be submitted for the entire site. The plan must be consistent with § 200-43D and address buffer planting requirements, parking requirements and plantings in the public use areas and any area to remain undeveloped.

- (1) All parking islands shall be a minimum of eight feet wide.
- (2) A minimum of one shade tree and two bushes for every eight parking spaces shall be planted inside the parking area, and one shade tree for every 30 feet of curb or paving edge, not counting the planted buffer, is required.
- (3) No parking lot shall contain more than 20 spaces in a row without interruption by a landscape divider at least eight feet in width.
- (4) A twenty-five-foot natural buffer is required along all lot lines, excluding the lot frontage. The applicant is required to submit a detailed clearing plan for approval by the Board. Buffer and landscape plantings are required to supplement the existing natural buffers when necessary.

G. Parking requirements. The minimum parking standards for all development shall be in accordance with the parking requirements set forth for the Forest Commercial District at § 200-16. G.

E. Conditional Uses. In addition to the above permitted uses for the Rural Development Commercial District, there shall be permitted in this district the following uses or necessary accessories to the above-described permitted uses upon obtaining a conditional use permit from the Planning Board subject to the standards and regulations set forth in this chapter:



- (1) Public service infrastructure in accordance with § 200-65G
- (2) Nursery schools and day-care centers
- (3) Institutional uses (excluding cemeteries)

**XIX. Amend Table I: Use, Area, Yard and Bulk Regulations as follows:**

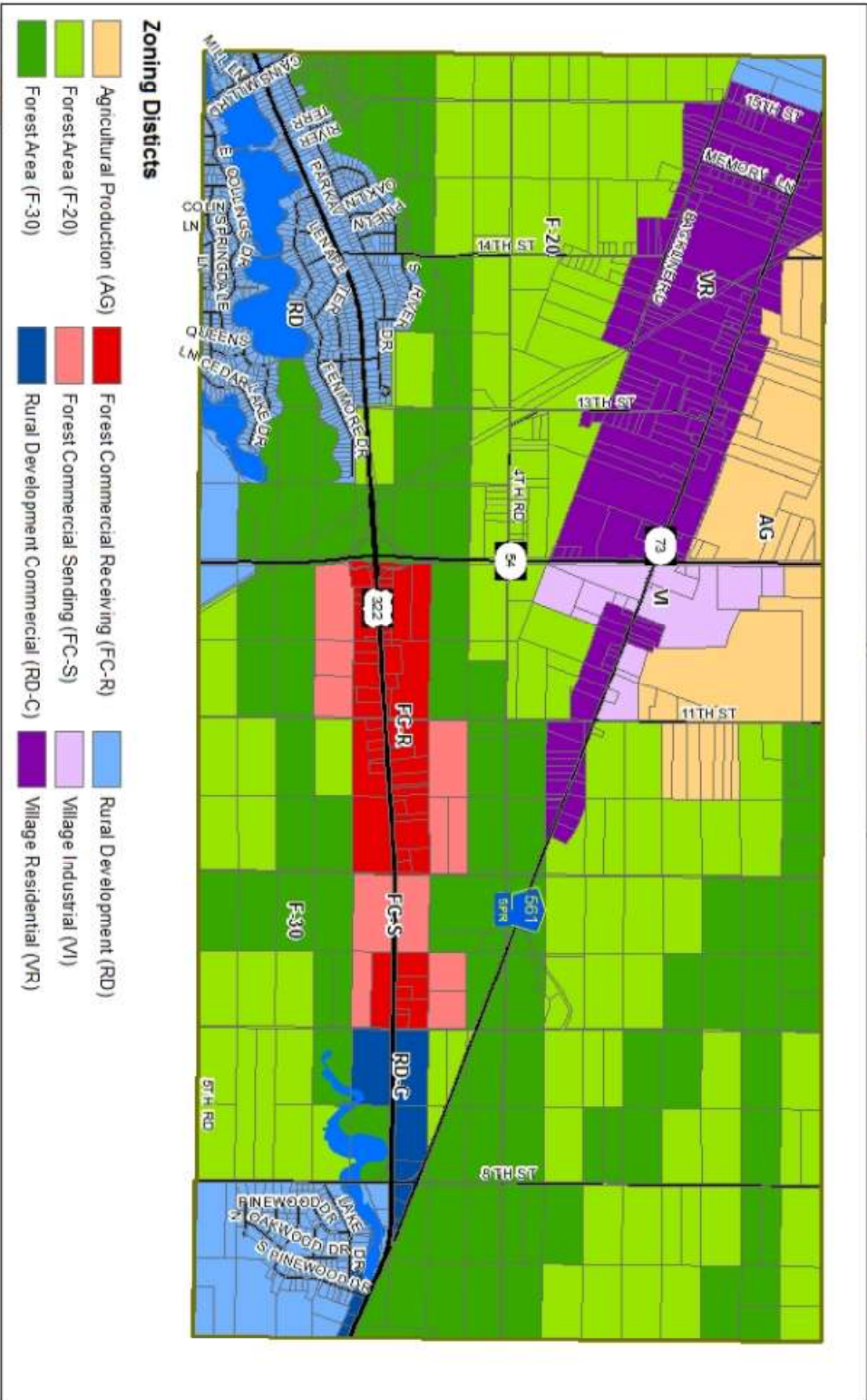
Table I  
Use, Area, Yard and Bulk Regulations (Schedule of Limitations)  
[Amended TBD-2019 by Ord. No. TBD-2019]

District	Area (acres)	Lot Width (feet)	Lot Depth (feet)	Yards (feet)			Coverage (percent)
				Side	Front	Rear	
AG	40	300	500	75	200	100	3%
F-20	20	300	500	75	200	100	3%
F-30	30	300	500	75	200	100	3%
FC	2	150	200	25	75	25	25%
RD	5.5	150	200	30	75	25	10%
<b>[RDC</b>	<b>1.0</b>	<b>150</b>	<b>200</b>	<b>25</b>	<b>75</b>	<b>25</b>	<b>25%]</b>
VR	2	135	200	20	75	50	20%
VI	2	200	200	50	100	50	25%

NOTES:

- (1) Regulations may be reduced for environmental or physical limitations (see text).
- (2) Maximum height in all districts is 35 feet.
- (3) Notwithstanding the minimum lot areas set forth above, no such minimum lot area for a nonresidential use within the AG, F-30, F-20, FC, or RD or RDC Districts shall be less than that needed to meet the water quality standards of § 200-47B(4), whether or not the lot may be served by a centralized sewer treatment or collection system.
- (4) The minimum lot areas set forth above for the F-20, F-30, and RD Districts are for existing lots of record. Residential development of two or more units in these districts must be clustered on one acre lots in accordance with § 200-15A(1) or 17A(1)

# Folsom Borough Zoning District Map



### Zoning Districts

- Agricultural Production (AG)
- Forest Area (F-20)
- Forest Area (F-30)
- Forest Commercial Receiving (FC-R)
- Forest Commercial Sending (FC-S)
- Rural Development Commercial (RD-C)
- Rural Development (RD)
- Village Industrial (VI)
- Village Residential (VR)



**BOROUGH OF  
FOLSOM  
NEW JERSEY**



Date Prepared: October 2018



Sources: NJOGIS, NJDCA  
Borough of Folsom

**XX. Repealer.** All former Ordinances of the Borough of Folsom which are in conflict with the provisions contained in this Ordinance are hereby repealed upon the adoption of this Ordinance.

**XXI. Severability.** If any part or parts of this Ordinance are held to be invalid for any reason such decision shall not affect the validity of the remaining portions of this Ordinance.

**XXII.** This Ordinance shall take effect after final approval and publication as required by law.

NO PUBLIC COMMENT

**A motion to approve Ordinance#07-2019 was made by Councilman Arena and seconded by Councilman Conway**

**There was a roll call vote with ayes all.**

**(Adoption/Second Reading)**

**BOROUGH OF FOLSOM**

**ATLANTIC COUNTY, NEW JERSEY**

**ORDINANCE 2019 - 10**

**AN ORDINANCE VACATING AN UNIMPROVED STREET**

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**BE IT ORDAINED** by the Mayor and Council of the Borough of Folsom, County of Atlantic and State of New Jersey as follows:

**WHEREAS,** JTS Custom Builders has caused a professional land survey to be prepared relating to a plan for the street vacation of South Pinewood Drive, a 50 ft. wide unimproved right-of-way situate in the Borough of Folsom, County of Atlantic and State of New Jersey in a form as is annexed hereto as prepared by Howard A. Transue, Professional Land Surveyor, dated October 21, 2019 as to the legal description and October 17, 2019 as to plot for the street vacation; and

**WHEREAS,** the actual title to the area in question being that paper street between Block 3401, Lot 33 and Block 3401, Lot 38 in the Borough of Folsom and County of Atlantic, intersecting with Evergreen Drive (50 ft. wide) having no improvements made on the section of the paper street described in the plan prepared by Howard A. Transue, Professional Land Surveyor, of the Firm Schaeffer, Nasser and Scheidegg Consulting Engineers;

**NOW, THEREFORE, BE IT ORDAINED** by the Borough Council of the Borough of Folsom, County of Atlantic and State of New Jersey that the portion of South Pinewood Drive as is described in the annexed legal description and plot plan prepared by Schaeffer, Nasser and Scheidegg Consulting Engineers, LLC on October 21, 2019 and October 17, 2019 respectively

(true and correct copies of which are attached hereto and incorporated herein) is hereby vacated as to any interest held by the Borough of Folsom.

**Section One. Repealer.** All former Ordinances of the Borough of Folsom which are in conflict with the provisions contained in this Ordinance are hereby repealed upon the adoption of this Ordinance.

**Section Two. Severability.** If any part or parts of this Ordinance are held to be invalid for any reason such decision shall not affect the validity of the remaining portions of this Ordinance.

**Section Three.** This Ordinance shall take effect after final approval and publication as required by law.

NO PUBLIC COMMENT

**A motion to approve Ordinance#10-2019 was made by Councilman Arena and seconded by Councilman Jantz**

**There was a roll call vote with ayes all except for the abstention of Councilman Hoffman and Councilman Schenker**

**RESOLUTIONS:**

**Borough of Folsom  
RESOLUTION #2019-103**

**MUNICIPAL ALLIANCE GRANT APPLICATION Form 1B**

Governor's Council on Alcoholism and Drug Abuse  
Fiscal Grant Cycle July 1, 2020 – June 30, 2021

**WHEREAS**, the Governor's Council on Alcoholism and Drug Abuse established the Municipal Alliances for the Prevention of Alcoholism and Drug Abuse in 1989 to educate and engage residents, local government and law enforcement officials, schools, nonprofit organizations, the faith community, parents, youth and other allies in efforts to prevent alcoholism and drug abuse in communities through New Jersey.

**WHEREAS**, the Borough of Folsom , County of Atlantic, State of New Jersey recognizes that the abuse of alcohol and drugs is a serious problem in our society amongst persons of all ages; and,

**WHEREAS**, the Borough of Folsom further recognizes that it is incumbent upon not only public officials, but upon the entire community to take action to prevent such abuses in our community; and,

**WHEREAS**, The Borough of Folsom has applied for funding to the Governor's Council on Alcoholism and Drug Abuse through the County of Atlantic;

**NOW, THEREFORE, BE IT RESOLVED**, that the Borough of Folsom Governing Body

does hereby recognizes the following:

1. The Mayor and Council of the Borough of Folsom does hereby authorize submission of a strategic plan for the Borough of Folsom Municipal Alliance grant for fiscal year 2021 in the amount of:

DEDR	\$5,696.00
Cash Match	\$1,424.00
In Kind Match	\$4,272.00

Total Alliance Budget: \$11,392.00

The Borough of Folsom acknowledges the terms and conditions for administering the Municipal Alliance Grant, including the administrative compliance and audit requirements

**A motion to approve Resolution #2019-103 was made by Councilman Hoffman and seconded by Councilman Schenker**

**There was a roll call vote with ayes all**

**RESOLUTION 2019-104  
BOROUGH OF FOLSOM**

**A RESOLUTION RE-APPOINTING A MUNICIPAL CLERK**

**WHEREAS** the (3) three year term of the appointed Municipal Clerk is expiring on December 11, 2019 and

**WHEREAS** Patricia M. Gatto is certified by the State of New Jersey as a Registered Municipal Clerk.

**WHEREAS** N.J.S.A.40A: 9-133.1 states that this is a statutory position in the State of New Jersey, and

**NOW THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Borough of Folsom, County of Atlantic, State of New Jersey, that Patricia M. Gatto be hereby appointed Municipal Clerk for a three (3) year term effective December 12, 2019

**A motion to approve Resolution #2019-104 made by Councilman Hoffman and seconded by Councilman Arena**

**There was a roll call vote with ayes all.**

**RESOLUTION 2014-105  
BOROUGH OF FOLSOM**

**A RESOLUTION RE-APPOINTING A REGISTRAR OF VITAL STATISTICS**

**WHEREAS**, there is a need for the appointment of Registrar of Vital Statistics; and

**WHEREAS**, Patricia Gatto and has indicated a willingness to serve in such position; and

**NOW THEREFORE, BE IT RESOLVED**, by the Council of the Borough of Folsom that Patricia Gatto is hereby appointed Registrar of Vital Statistics, in and for the Borough of Folsom, for a three (3) year term commencing December 10, 2019

**A motion to approve Resolution #2019-105 made by Councilman Conway and seconded by Councilman Hoffman**

**There was a roll call vote with ayes all.**

**RESOLUTION 2019-106  
BOROUGH OF FOLSOM**

**A RESOLUTION RE-APPOINTING A DEPUTY REGISTRAR OF VITAL STATISTICS**

**WHEREAS**, there is a need for the appointment of Deputy Registrar of Vital Statistics; and

**WHEREAS**, Susan Carroll, has indicated a willingness to serve in such position.

**NOW THEREFORE, BE IT RESOLVED**, by the Council of the Borough of Folsom that Susan Carroll is hereby appointed Deputy Registrar of Vital Statistics, in and for the Borough of Folsom, for a three year term commencing December 10, 2019

**A motion to approve Resolution #2019-106 made by Councilman Hoffman and seconded by Councilman Schenker**

**There was a roll call vote with ayes all.**

**BOROUGH OF FOLSOM  
RESOLUTION 2019-107**

**RESCISSION OF RESOLUTION 2019-59 APPROVING THE PERSON-TO-PERSON  
TRANSFER OF LIQUOR LICENSE #0110-44-005-004 ROUTE 322 LIQUORS, LLC**

**WHEREAS**, the Mayor and Council of the Borough of Folsom, County of Atlantic, State of New Jersey, considered that applicant listed below for transfer of the liquor license #0110-44-005-004;

**#0110-44-005-004 Route 322 Liquors to Ruchirag, LLC**

For a Person-to Person transfer of Plenary Retail Consumption and Distribution License transfer in the Borough of Folsom, County of Atlantic, now therefore the same is hereby rescinded due to failure to obtain a background report as required by N.J.S.A. 33:1-35 and N.J.A.C 13:2-7.10;

**A motion to approve Resolution #2019-107 made by Councilman Hoffman and seconded by Councilman Jantz**

**There was a roll call vote with ayes all with the exception of Councilman Arena's abstention.**

**BOROUGH OF FOLSOM  
RESOLUTION 2019-108**

**A RESOLUTION AUTHORIZING THE BOROUGH OF FOLSOM TO AWARD THE BID FY  
2019 STATE AID PROJECT RESURFACING OF BACKLINE ROAD  
CONTRACT NO. 23**

**WHEREAS**, bids were accepted on December 4, 2019 at 10:00 AM at the Borough Hall in the Borough of Folsom; and

**WHEREAS**, all bids were opened and announced to those in attendance; and

**WHEREAS**, the apparent lowest responsible Bidder, as determined by the Borough Engineer, is Arawak Paving; and

**WHEREAS**, the amount of the Base Bid submitted by **Arawak Paving**, is \$237,800.00;

**NOW THEREFORE, BE IT RESOLVED**, by the Mayor and Council of the Borough of Folsom that Arawak Paving is hereby awarded the contract for the 2019 Resurfacing of Backline Rd., Contract No. 23 for the amount of \$237,800.00

Award of this contract is subject to the certification of availability of funds

Approval of the New Jersey Department of Transportation Bureau of Local Aid

- The duration of the contract is sixty days from the contractor's receipt of the written notice to proceed.

- 

**A motion to approve Resolution #2019-108 made by Councilman Hoffman and seconded by Councilman Jantz.**

**There was a roll call vote with ayes all.**

**RESOLUTION 2018-109  
BOROUGH OF FOLSOM**

**RESOLUTION AUTHORIZING THE BOROUGH OF FOLSOM TAX ASSESSOR IN  
CONJUNCTION WITH COUNSEL TO SETTLE AND COMPROMISE CERTAIN REAL  
PROPERTY TAX APPEALS PENDING BEFORE THE NEW JERSEY TAX COURT**

**WHEREAS**, there is now pending before the Tax Court of New Jersey direct appeals challenging the real property tax assessments for certain real property owned by Toni Lagona located at 1320 Mays Landing Rd., which is further identified as Lot 8 of Block 301 on the Tax Map of the Borough of Folsom for the years 2018-2019; and

**WHEREAS**, from time to time the Tax Assessor is presented with an opportunity to compromise, settle or otherwise dispose of certain tax appeals which are pending before the Tax Court; and

**WHEREAS**, after a review of the appraisals exchanged between the parties and an analysis and opinion by the appraiser retained on behalf of the Borough of Folsom with regards to the property which is the subject of the tax appeals and after careful consideration of these facts, it is in the opinion of the Tax Assessor and the Borough Solicitor for the Borough of Folsom that it is in the best interest of the Borough of Folsom to authorize a settlement of the pending tax appeals as set forth herein and to authorize the Tax Assessor in conjunction with Counsel for the Borough of Folsom to enter into and consummate such settlement.

**NOW THEREFORE, BE IT RESOLVED**, by the Borough Council of the Borough of Folsom, Atlantic County, New Jersey, as follows:

1. The Solicitor for the Borough of Folsom in conjunction with the Tax Assessor for the Borough of Folsom be and is hereby authorized to execute the attached Stipulation of Settlement with regards to the pending tax appeals before the New Jersey Tax Court, which have been filed by Toni Lagona, Inc. for calendar years 2018-2019.
2. The terms of the settlement are such that the annual assessments for property will be reduced for calendar years 2018-2019 as reflected on the Stipulation of Settlement ;
3. An overpayment in the amount of \$973.94 for year 2018 and \$974.92 for year 2019 will be applied to the 2020 year taxes.

**A motion to approve Resolution #2019-109 made by Councilman Hoffman and seconded by Councilman Conway.**

**There was a roll call vote with ayes all.**

**RESOLUTION 2019-110  
BOROUGH OF FOLSOM**

**RESOLUTION AUTHORIZING THE BOROUGH OF FOLSOM TAX ASSESSOR IN  
CONJUNCTION WITH COUNSEL TO SETTLE AND COMPROMISE CERTAIN REAL  
PROPERTY TAX APPEALS PENDING BEFORE THE NEW JERSEY TAX COURT**

**WHEREAS**, there is now pending before the Tax Court of New Jersey direct appeals challenging the real property tax assessments for certain real property owned by Milton & Jean Perna located at 205 Fernwood Terrace., which is further identified as Lot 631 of Block 2606 on the Tax Map of the Borough of Folsom for the years 2018-2019; and



**WHEREAS**, from time to time the Tax Assessor is presented with an opportunity to compromise, settle or otherwise dispose of certain tax appeals which are pending before the Tax Court; and

**WHEREAS**, after a review of the appraisals exchanged between the parties and an analysis and opinion by the appraiser retained on behalf of the Borough of Folsom with regards to the property which is the subject of the tax appeals and after careful consideration of these facts, it is in the opinion of the Tax Assessor and the Borough Solicitor for the Borough of Folsom that it is in the best interest of the Borough of Folsom to authorize a settlement of the pending tax appeals as set forth herein and to authorize the Tax Assessor in conjunction with Counsel for the Borough of Folsom to enter into and consummate such settlement.

**NOW THEREFORE, BE IT RESOLVED**, by the Borough Council of the Borough of Folsom, Atlantic County, New Jersey, as follows:

1. The Solicitor for the Borough of Folsom in conjunction with the Tax Assessor for the Borough of Folsom be and is hereby authorized to execute the attached Stipulation of Settlement with regards to the pending tax appeals before the New Jersey Tax Court, which have been filed by Milton & Jean Perna, Inc. for calendar years 2018-2019.
2. The terms of the settlement are such that the annual assessments for property will be reduced for calendar years 2018-2019 as reflected on the Stipulation of Settlement ;
3. Resulting in an overpayment in the amount of \$104.21 for year 2018 and \$104.31 for year 2019 will be applied to the 2020 year taxes.
- 4.

**A motion to approve Resolution #2019-110 made by Councilman Arena and seconded by Councilman Conway**

**There was a roll call vote with ayes all.**

**SOLICITOR'S REPORT:** John Carr reported that Hammonton Joint Municipal Court signed the agreement and now the Borough can move forward with the labor agreement from Mr. Riccio. John reviewed his Solicitor's report with Council.

**FIRE CHIEF REPORT:** Councilman Jantz read the Fire Chief's report.

**ENGINEER'S REPORT: (Jen Heller)**

**NJDOT FY2019 Municipal Aid Project:**

The bid opening for the Resurfacing of Backline Road was held on December 4, 2019 and two bids were received. The lowest bid was submitted by Arawak Paving Company with a bid of \$237,800.00. On tonight's agenda is a recommendation to award the contract for the Resurfacing of Backline Road to Arawak Paving Company.

### **NJDOT FY2020 Municipal Aid Project:**

The NJDOT announced the grant recipients for the FY2020 Municipal Aid Program. The Borough will be receiving \$305,000.00 for the 2020 Road Program - Resurfacing of Lake Drive, North Pinewood Drive and Lupine Lane. Survey and design work for the project shall begin in January 2020.

### **CDBG/ACIA Penny Pot Park Senior Exercise Equipment:**

We will begin working on the plans and specifications for the project and anticipate meeting with the Parks and Recreation Committee in January or February to discuss the scope of work.

John Carr added an item to discuss on his Solicitor's report. John discussed that Council will be taking action next month to fill the vacancy of Councilman Schenker's seat. John reviewed the process with Council.

Mayor DeStefano asked for a motion to approve the signing of the release form for the Lantern Fly. Councilman Conway made a motion to approve and Councilman Hoffman seconded that motion.

All in favor vote.

**MAYOR'S REPORT:** Mayor DeStefano wished everyone a Merry Christmas and Happy New Year. Mayor thanked the staff at Borough Hall and Folsom School for all their help with the Annual Christmas Tree Lighting. It was a huge success. Mayor thanked the Collings Lakes Fire Company for delivering Santa to Borough Hall. Mayor DeStefano also thanked Jim Hoffman for donating a new Christmas tree. Mayor reported that the new drop box will be installed soon. Mayor DeStefano read a prepared statement at his last meeting as the Mayor of Folsom Borough. Mayor DeStefano offered to help new Mayor Greg Schenker with the transition.

### **COUNCIL MEMBER'S REPORTS:**

**Councilman Greg Schenker:** reported that he attended the League of Municipalities Convention in Atlantic City. Greg stated he met numerous people and gathered information from the booths he visited. Greg stated he will attend the Annual JIF Christmas dinner. Greg wished everyone Happy Holidays and a Safe and Happy New Year. Greg thanked Mayor DeStefano for all his years of public service and for offering to help with transition.

**Councilman Ken Jantz:** stated that it was a pleasure working with the Mayor these past four years. Ken reported that all street lights are working. Reminded residents to call in with any outages.

**Councilman Pagano:** absent

**Councilman Arena:** reminded everyone that the Mayor also had to deal with the tax appeals early in his term as Mayor. Charlie thanked the Mayor for a good run.

**Councilman Hoffman:** reported that all plumbing work in the bathrooms is now complete. Jim thanked everyone who participated in the annual tree lighting. Jim thanked the Mayor for all his years of service.

Councilman Hoffman wished everyone a Merry Christmas and a Happy New Year. Jim reminded residents to separate the trash from leaves.

**Councilman Conway:** thanked Mayor Destefano as a man of character. Greg stated that leaf collection will end on December 16<sup>th</sup>. Greg wished everyone a Happy Safe Holiday and New Year.

**PUBLIC COMMENTS OR QUESTIONS ON COUNCIL MEMBER REPORTS ONLY:**

**OPEN TO THE PUBLIC:** No Comments

**PAYMENT OF BILLS IN THE AMOUNT OF:** \$208,437.52

A motion to approve payment was made by Councilman Conway and seconded by Councilman Schenker.

Mayor Lou DeStefano reminded the public that all other monthly reports are on file in the minute book and to please visit the Borough website with updated information along with the Folsom Borough Facebook Page.

The next regular meeting and re-organization of Mayor and Council will be held on Tuesday, January 7, 2020 starting at 6:00 pm in Borough Hall, 1700 12<sup>th</sup> Street, Folsom, NJ

With no other discussion the meeting was adjourned at 8:05PM.

Respectfully submitted,

Patricia M. Gatto  
Municipal Clerk



