

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

December 21, 2016

The meeting was called to order at 7:18 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: Charles Pitale, Glen Smith, Lou DeStefano, Ben Pagano, and Michael Veneziano, Claude Jones

Members Absent: Joe Pino, Ron Esposito, Joel Spiegel, John LaPollo, Dave Cappuccio,

Others Present:

Solicitor:	Jorge F. Coombs, Esq.
Board Engineer:	Vince Polistina, PE, PP
Board Secretary:	Susan Carroll

APPROVAL OF MINUTES:

A motion was made by Mr. Pagano and seconded by Mr. Chairman Pitale to approve the minutes of November 16, 2016. There was a roll call vote with ayes all and abstention by Mayor DeStefano and Mr. Pagano.

DECSION RESOLUTION: Folsom School seeking a Preliminary and Final Site Plan, and C Variance for front setback and Bulk Lot Coverage for 1357 Mays Landing Rd., Folsom, N. J. Block 801 – Lot 9 on the Official Tax Map of the Borough of Folsom.

A motion was made by Mr. Pagano and seconded by Chairman Pitale to approve the Resolution for Folsom School. There was a roll call vote with four ayes by Chairman Pitale, Mr. Pagano, Mr. Pino vote by phone Statute NJS 40;55D-10.2, Mr. LaPollo vote by phone Statute NJS 40;55D-10.2, two abstentions by Mr. Smith and Mayor DeStefano; and one recusal by Mike Veneziani.

INFORMAL REVIEW:

07-ZB-2016 – David Pain of Leisure Pools & Spas Manufacturing is seeking temporary permission for outside storage of Leisure Pools fiberglass swimming pools on Block 3102 Lot 11 of the official tax map of the Borough of Folsom and more commonly known as 1118 Black Horse Pike, Folsom, NJ. The property is located in the Forest Commercial Receiving Zone and is owned by Santokh Kaur. Mr. Pain is in the approval process of purchasing the property. They

will not do any construction work to the property including any changes to drainage or building. The purchase of the property will be contingent upon Municipal, County, and State governmental approvals.

Mr. Coombs swore in Chris Bradford, COO of Leisure Pools. There were no witnesses. Mr. Bradford was seeking to temporarily store the pools and wants to build a new center on the property. He needed to be out of where he was at by the end of January and needed a place to put the pools while they were in the process of purchasing the property. He was before the Board to ask if the Board would grant the permission for him to move the pools in. He had permission from the owner on a lease. He was learning it takes time to purchase property in this area. There were some steps in the purchasing process and would appreciate the Boards favor to let him put some swimming pools temporarily. He expressed interest in building a facility there and do things quite nice. The project would not be financed it would be paid in cash. The main facility was in Knoxville, Tennessee. They purchased the Sea Ray Boat Manufacturing facility. It is on an eighty four acre island with the Tennessee River going around it. He had a picture of the facility, but it wasn't included in the packet. The facility was debt free and wanted the Board to know they would do a nice job. He was interested in putting up a 4,000 square foot facility to probably three to four outdoor pools. Meanwhile, he was up north in New Jersey with his yard and needs to move the pools by the end of January. He would have to put them on trucks and move them all the way back to Knoxville because he had no place to take the swimming pool while he was trying to purchase the property.

Currently there was inventory of 60 composite armor pools. A little bit different than the standard fiberglass. He used Kevlar bullet proof vest material within the pool. Most people were familiar with it, but they will just look like fiberglass pools. The construction is a little bit different. They will be stacked like bowls. There will be 5 or 6 pools per stack. They will not knock down any trees. He had permission to clean up the weeds there and move the pools toward the back as much as possible. He wasn't there to discuss everything about the future, but wanted the Board to know they didn't want to show off the swimming pool shells. He wanted to show off a center. In the future will want to move the pools back as far as can and blockade it with fencing to keep them out of view of the public.

He was not looking to manufacture the pools in Folsom. They can manufacture around 15,000 pools per year at the Knoxville plant. This was a new investment two years ago.

If the Board needed, he can put temporary fencing until the permanent fencing is done. The plan was to move forward with having an Engineer and Architect to work on the plans and present it to the Board, but was ok with temporary fencing and screening if needed. He was aware of the neighbors down the road were not screened and were out in the open. His company didn't like the look because it was considered a cheap look. If he needed to put up a fence he will. There would be a cost involved, but was willing to do it if it would be required to obtain a temporary approval to place the pools on the property.

A typical pool is about 7 feet deep and add about 6 inches per pool. A stack of five pools would be about 8 ½ feet high. The pools stack inside of each other and will be upside down. They

stack like bowls. A telescopic fork lift is used. It is like a lull skytrak. The pools average 2,500 lbs. They are not going to blow away.

No one will be on site because they are displaying and wants to get started on the Engineering and Architect work on the building. In the future, there is a store manager, there may be 2 yard people, and a sales person. There may be 4 employees at the location in the future, but are currently in the middle of the building. They just got an approval. They are building a 17,000 square foot facility in the north. They are building a pretty elaborate center up north. They will be doing installation. They have had dealers and have several dealers in New Jersey and Pennsylvania, but have decided to create a new retail division and go ahead and control it themselves. It would be factory direct. People do not have finances to launch the business properly and call the issues. It is being done on a national level. It is not just in New Jersey. They were in Las Vegas, Phoenix, Tucson, and several places in Florida, Orlando and Miami.

Currently they were starting out in New Jersey with rental equipment verses onsite, but will probably store equipment in the back like an excavator, but wasn't at that point yet. He had sites to work underneath of. He estimated 100 swimming pools and in the future would like to store 100 installations with customers per year. He had approval for storage up north and didn't have to depend on the Folsom location to bring in 150 pool and pile them up. He had a better location to hide them all over a hill up north and were quite happy about it, but were actually currently in a jam because they were in Jackson and needed to be out by the end of January. The landlord was difficult to deal with. He was locking the gates on them and not letting them in properly. It was decided by the end of the lease they wanted to move. There will only be activity during the daylight hours, but there will hardly be any activity because it was winter.

The goal was to place the pools on the property, but would like to build a new center there. He didn't want to go crazy, but would like to build a nice 4,000 square foot center with nice retail pools out front, very classy, and hide the shells. They didn't want people to see the shells at all. They do not like the look of what is down the road. They wanted to put them in the back and screen them somehow and wanted to work further on how far back they could go.

It is a 6 ½ acre property and knew there was Pineland here to deal with. They need to do some discovery work, but could hide most of them just up the road 2 ½ hours over a hill in a much more populated area in Flemington. They just purchased the land. It was just a minor glitch on the amount of the acreage. It wasn't quite 5 acres. They got permission to put the majority of their pools in the back there.

He brought a couple of pictures where they were building a brand new center in San Antonio. It was a multi-million dollar investment. There were 9 swimming pools they tore out and are putting a whole new center.

It would be nothing else than unloading a truck, backing them up, and not moving them again until they are picked up. There will be no storage of bulk chemicals. There is no place there to store anything except they were asking for permission to store the shells and park a telescopic forklift. They had one deliver truck and were wanting to have very little activity on business because they were not officially in business. They had signatures from the owners and

everything was agreed. They need to go through the process of owning it and know it will take a little time. They didn't want to create activity that would irritate people step on anybody's toes. There was plenty of room with the present footprint is adequate for trucks to move around and load and unload.

They got an agreement for lease along with the purchase and was looking for temporary permission to put the pools on the property as a tenant. The temporary period of time was expected to be the process time until they own the property and then they would be their own landlords. Temporary was the time to purchase, but knew he needed Board and Pineland's approvals. He based his estimate of time with what his attorneys told him and it was 6 months to get approval with Pineland's and all the processes it takes. He would purchase the property tomorrow if he could, but there was a process.

Mr. Davis was the attorney in the lease and will be representing the Land Use application. The applicant hoped he was welcomed in Folsom and find they will bring something to Folsom's home area which is nice. It was very fortunate Dave had the financial ability. He was one of the largest in the world and had a very large plant in Australia. His wife is American and he moved here and is a great guy and everything he does is very classy. It is an honor to work with him because he is a very good person. They had legal council advised to put the pools there and move on and by the time they got the letters, but it was not the way they do business. He was before the Board to respect the Borough and would like to keep it clean and have a good relationship and not start off wrong.

Mr. Pagano was thrilled and thought anyone here would be thrilled to have any commerce come to Folsom. The Board was doing their due diligence and make sure everybody is happy and covered.

The applicant needed a sales location and will give it to the attorneys to work on and he will work with the design development of the building. Better than that he was letting the attorneys work on the application to get it pushed through because they want to get started.

If temporary fencing or screening were required, The applicant had two employees who were within 10 minutes and the main manager is within 25 minutes. They will be checking on the property. He was happy to have a security team go by if it was needed to work with the Borough. Folsom wasn't the crime capitol of the world, but a lot of people pass through here from Philadelphia onto the shore and those individuals could be spoken for. Wouldn't want graffiti on a 100,000 pool. He noticed there were several vehicles at the location and there was actually 4. He heard they were hunters and guessed they parked on the property. He thought it would be best to blockade it off in the front so they couldn't pull in and already thought he may want to put the fence up for security and the liability on his part.

It was clarified the Use was not being Changed and the applicant was only requesting temporary permission to store the materials/shells for a period not to exceed 6 months.

The applicant will abide by whatever the Board asked them to do. They appreciated grace from the Board. It wasn't like the applicant was moving Wal-Mart stock on shelves. The swimming

pools are very large. Everywhere the applicant goes they pay \$5,000.00 to rent a place. Everything they get into is like that. They can't find any place to go with 60 shells (pools) it was really difficult. It would be significantly cheaper. The applicant decided to purchase here in this area for development and will probably open a new center in Philadelphia. He liked the location because the road was great, looks clean, classy, and looked nice. It just needed to be developed a little bit and thought it was a good area that will represent the applicant to bring in their clients and customers in the future. It looked good to him.

A six month time frame to obtain the approval was suggested. The applicant thought he could get things pushed through in six months. It might not be enough to get through Pinelands.

ENGINEERS REPORT

There was a 75 foot front yard setback requirement. If the applicant could meet all of the setback requirements and submit some sort of sketch to show on the site where the materials will be stored, the Zoning Officer would be able to sign off on it as long as everything complied with it. It was suggested an application be filed by June 30, 2017 for a Change of Use and Site Plan on file with the Boards secretary. The applicant will need Pinelands approval before he could come to the Board. Then file a Site Plan application with the Board secretary. The applicant was advised to apply to Pinelands now for a Certificate of Filing to be able to come before the Board by June. The applicant was from Indiana and was not familiar with Pinelands. There will be no signage at this time.

*Polistina, PE, PP, CME
Turless, PE, PP, CME
Aresta, PE, CME*



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

MEMORANDUM

December 20, 2016

TO: Borough of Folsom Planning Board

FROM: Polistina & Associates
Vincent J. Polistina, PE, PP, CME *(initials)*
Planning Board Engineer / Planner

RE: Leisure Pools
PA No. 4116.07

LOCATION: 1118 Black Horse Pike
Block 3102, Lot 11

ZONE: FC-R Forest Commercial-Receiving District

STATUS: Informal Review

EXISTING USE: Vacant

PROPOSED USE: Temporary Storage/Display of Swimming Pools

BASIS FOR REVIEW: The materials submitted and subject to review are as follows:

NO.	TITLE	PREPARED BY	DATE	REVISION
	Application Materials	Applicant	12-1-16	
	Agreement of Ground Lease	Applicant	12-1-16	
	Contract for Sale of Real Property	Applicant	12-1-16	

DESCRIPTION: The site is located at 1118 Black Horse Pike in the Borough's Forest Commercial-Receiving District. It is 6.5 acres in size and the site of a former bar known as "Horsin' Around" and the site is now vacant.

The former building on the site has been demolished. The cleared portion of the site contains open gravel areas, paved areas and two driveway accesses onto the Black Horse Pike. The rear of the site is wooded.

The Applicant is the contract purchaser of the vacant property and has requested an informal review to utilize the site for the "outdoor storage of fiberglass swimming pool shells and hot tub/spa shells." The Applicant has requested that the property be used for the storage of the pool shells until the purchase of the property is

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completed. The Applicant will make an application for site plan approval at a later date. The Applicant is not proposing any changes to the site including grading, drainage or the construction of any structures.

ZONING REQUIREMENTS: The site is located in the FC-R Forest Commercial Receiving District. Roadside retail sales and service establishments are a permitted use in this district.

The following is a review of the bulk zoning requirements for the project:

Forest Commercial - Receiving Zone			
STANDARD	REQUIRED	PROPOSED	STATUS
		Storage of Pool Shells	
Lot Size	2 acres	6.5 acres	Conforming
Lot Width	150 feet	450+ feet	Conforming
Lot Depth	200 feet	630+	Conforming
Minimum Front Yard	75 feet	75 feet min.	Conforming
Minimum Rear Yard	25 feet	25 feet	Conforming
Minimum Side Yard	25 feet	25 feet	Conforming
Maximum Building Height	35 feet	N/A	N/A
Maximum Impervious Coverage	25%	I	I

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

GENERAL REVIEW COMMENTS:

- 1) The Applicant is not permitted to store or display any swimming pools within the required front yard, side yard or rear yard setbacks on the site. A plan should be submitted which details the locations of the proposed swimming pool storage areas to demonstrate compliance with the bulk and area standards of the FC-R District.
- 2) The Applicant should provide testimony regarding how the site operations. Information such as the anticipated hours of operation, customers visiting the site to look at the displays, circulation and parking on the site, signage, and lighting should be provided.
- 3) The Applicant is required to submit an application for a change of use and a site plan for the proposed improvements on the site. The application must be filed no later than June 30, 2017 with the Folsom Borough Planning/Zoning Board.
- 4) This approval is conditioned on the applicant obtaining all other necessary State, County and local approvals.

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

The applicant didn't want to put up any signage at this time or do anything like that because he wanted to stick to his word that he was just putting some pools temporarily and when Leisure Pools owns it and has approval will go in business. They didn't want to do anything where they were in business or show activity or business other than very low activity especially in the winter moving

one or two pools and that would be it. They don't sell at this time of the year. The applicant was concerned he would not have everything needed within 6 months and was advised to have his attorney come in a months or two months before because he should have a good feel for where it is.

The meeting was opened to the public.

Mr. Coombs swore in Donna Sutts, 15 E. Park Ave. Williamstown (Folsom), N. J. 08094. Her concern was setting Conditions. She wasn't sure if the property met up against Residential property and if there will be a buffer. The property was in the Forest Commercial Receiving. It was in the Commercial Zone and there was nothing there but a river in the area. There were no residential in the area. She was advised it would be discussed when the applicant actually makes application for Site Plan. Ms. Sutts asked about the setback. The property had a 25 foot rear setback and it was not permanent. When the applicant comes in for the Site Plan approval it will become permanent. Ms. Sutts thanked the Board.

There were no other questions or comments from the public and the public portion was closed.

A vote was needed to allow the tenant to temporarily store pool shells on the site.

It was not discussed whether the Board would want temporary fencing and/or screening on the site. Mr. Bradford indicated he would like to put fence around to secure them. It was decided to revisit the fence in 6 months.

A Motion was made by Mayor DeStefano and seconded by Mr. Pagano to revisit and review the temporary permission application, have on file the Site Plan Application, and Conditional Use by Permit application in 6 months by June 30, 2017. They will have to meet the minimum setback requirement as outlined by the Board Engineer in her report. They need to provide the sketch of where they will be storing the shells on the site for Zoning can have it on file. The fence will be discussed at that time. There was a roll call vote with ayes all.

Mr. Bradford thanked the Board and the Board wished him good luck.

Chairman Pitale announce the resignation of Ron Esposito and thanked him for his service and wished him well.

There were no other questions from the Board.
The next scheduled meeting will be January 18, 2017.
The meeting was adjourned at 7:56 pm with ayes all.

Respectfully submitted,

Susan Carroll
Board Secretary