

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

April 20, 2016

The meeting was called to order at 7:10 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, Joe Pino, Glen Smith, Ron Esposito, Joel Spiegel, Lou DeStefano, Dave Cappuccio, Charlie Arena, and Michael Veneziano, Claude Jones

Members Absent: John LaPollo

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. Pino and seconded by Mr. Cappuccio to approve the minutes of March 16, 2016. There was a roll call vote with ayes all and one abstention

APPLICATION: KURT SANTORA

Application # 01-ZB-2016 – Kurt Santora, 1208-A 11th Street, Folsom, N. J. is seeking a D Variance for the size of a 30’ x 36’ pole building at Block 1502 – Lot 18.01

Mr. Coombs swore in Kurt Santora of 1208A 11th Street in Folsom, N. J. There were no additional witnesses. Mr. Santora stated he will be putting a pole barn up for recreation storage. The proposed dwelling, driveway, septic bed on the plan he submitted was already there. The property was already cleared in 2007 when he built the house. There are a lot of underbrush and small trees. From the survey he submitted he explained the pin on the front left corner is his driveway. He may run power to the structure in the future, but for now and for financial reasons he was just putting the pole barn up. The foundation will be a regular pole barn foundation. He had a detail of the foundation. It will be a new system which is being used now and it is called a ground post rodding. The diagram was marked Exhibit A-1 and passed around for the Board Members to look at. It will be a standard concrete. A wrap which is put around the posts so they don’t have to worry about it rotting. It will be a metal building with wooden posts in the ground and metal on the sides. It is a kit and it will be put up by Lancaster Pole Barns. The 30’ x 36’ is

a standard size. He needs the pole barn for some antique tractors which his family will be passing down to him and to store his children's quads and hopes to get a boat in the future. He thought a 900 sq. ft. pole barn would have been large enough, but thinking 10 years into the future he thought he might like to have the extra 6 ft. He also thought if he were to get a 28 ft. long camper it wouldn't fit in. The driveway is in the shape of a teardrop for access to the pole barn. It wraps around instead of going straight in. It sits right on the edge of the proposed K-Turn area on the Survey. There will not be an extra driveway or anything along that matter. A garage was in the proposed plan when he built the house in 2007. He didn't build it then because he didn't know what size, but it was always in the plan.

There were no other questions from the Board. Mr. Pitale called for the Engineers report.

ENGINEERS REPORT

Mr. Polistina gave the Engineers report. The report was dated April 14, 2016. It is an application for an accessory structure in a residential zone which exceeds the maximum square area allowed. There are a few checklist items Mr. Santora was asked to address. One of the issues with the plan was it was just hand written on the plan where the pole barn will be placed. The setbacks for the pole barn were estimated based on where it is shown on the plan. All of the setbacks meet the requirements, but requested for Mr. Santora to actually specify, tell the Borough where the pole building will be set and not just hand drawn. It should be done in conjunction with the permit application and Mr. Santora should say exactly where it is going to be located on the lot.

Mr. Santora stated he measured where the corners will be. From the north side it will be 290 ft., from the front right corner looking down the drive way. He did math subtraction. On the other side it will be 340 ft. from the front left side. Mr. Polistina commented it will comply and will be expecting for it to be built in that general location. He continued, there are some wetlands on the lot and there are setback requirements and to make sure to conform to those setbacks. Mr. Santora responded he was in the wetlands buffer, but didn't have any actual wetlands. Mr. Polistina agreed.

Mr. Polistina continued with the Engineers Report: Item 17 – Mr. Santora provided a Polaroid of the area this evening. Item 17 was addressed. Mr. Santora asked for a waiver from Items 18, 20, & 21. The Engineer had no issues with granting the waivers if the Board was inclined. It was indicated one variance was being sought which is the area of the pole barn. Nine hundred (900) square feet is permitted. Mr. Santora was asking for a pole barn 1,080 square feet in size.

The location of the pole barn, the clearing along with a picture to show the area was already cleared even though the plan didn't show it was discussed. Additional clearing was one of the concerns. The area where the pole barn will be located was already cleared. The setbacks are sufficient that there should not have impact in terms of off-site drainage, but it needs to be graded and constructed and make sure there are no drainage impacts created off-site.

A Motion was made by Mr. Smith and seconded by Mr. Esposito to grant waivers for Items 18, 20, & 21. There was a roll call vote with ayes all.

The meeting was opened to the public for comment. Hearing no comment from the public the public portion of the meeting was closed.

There were no other questions from the Board.

A Motion was made by Mr. Pino and seconded by Mayor DeStefano to grant the variance for the area of the accessory building. A roll call vote was taken with ayes all.

APPLICATION: COLLINGS LAKES FOOD MARKET

Application #02-ZB-2016 – Collings Lakes Food Market, 10 E. Black Horse Pk., is seeking a Change of Use for the existing hair salon and South Jersey Gas office to Expand the Use of an existing Package Goods Liquor Store with a bar area.

Mr. Coombs swore in Lance Langraf, Licensed Planner in the State of New Jersey, L.B. Langraf & Associates to provide testimony on the Application and Jay Sciuillo, Professional Planner & Engineer with Marathon Engineering.

Mr. DeClement Attorney on behalf of the Applicant PUJA3, LLC and owner of Collings Lakes Food Market was seeking a Change of Use and Conditional Use Application. The parties were seeking a Change of Use from a hair salon and a South Jersey Gas office to a package goods/bar liquor store/bar. He presented testimony from Mr. Langraff to speak about the Use. Mr. Langraf reviewed the site plan waiver requests. The Applicant was asking for waivers from Item 12 – names of property owners on the Plan; Item 19 – Natural and artificial water courses shown – Wooded areas indicating predominant size and species – Tree size – Location of easements and – plans and profiles. The Application is an expansion within the existing footprint of the building. It will take over two spaces roughly 500 sq. ft. in area and add them to the current liquor store. There are no site improvements proposed. There will be no clearing of areas. The requested waivers were thought to be appropriate waivers.

ENGINEERS REPORT:

The Engineers Report was dated April 14, 2016. Mr. Langraff confirmed notice was provided with the application, but the list of owners was not provided on the plan. Notice was provided to all property owners within 200 ft. Mr. Polistina continued, since it was an existing development, nothing was proposed other than potentially reconfiguring the access points and adding additional parking.

When the plan was submitted to the Borough, there was a future expansion (proposed addition) shown on the building. It generated some concern because an expansion (addition) would have to go to the Pineland Commission for their review and a Certificate of Filing before the Borough would have jurisdiction to hear the Application. In the Engineers Report, there was a comment stating the application could not be heard based on the plan had the future expansion (proposed addition). The Board would have been unable to review the Application without the Pinelands review and Certificate of Filing. There were discussions during the week about the issue and the plan was submitted back to the Board removing the proposed addition, but the one initially submitted to the Board had the proposed addition on it and it triggered a Certificate of Filing. The Engineer talked to the Pinelands about the issue. The expansion (proposed addition) clearly

required a Certificate of Filing. Pineland spoke to Mr. DeClement and in error indicated the Change of Use did not require the Certificate of Filing because they believed it was on public sewer, but it was unclear whether Pinelands should review or not. Pinelands decided not to require the Certificate of Filing for the Conditional Use only. The Engineers Report commented the applicant should discuss and indicate what they are planning to do at this point because it was an issue as the application was submitted.

Mr. Langraff commented the addition was added to the structure as a concept. It shouldn't have been shown on the plan which was submitted to the Board. The Applicant was not asking for the proposed addition. He was asking for only the Change of Use within the existing building. The septic dilution will be reduced which is what Pinelands would be considering with this type of Application. In this aspect the proposed addition was removed from the Application. The Application was to change the Use on two 500 sq. ft. areas within the building. Pinelands did not need a Certificate of Filing for the last Application to Change the Dry Cleaner Store to the existing Liquor Store at the end of the building because it was not an expansion of the footprint of the structure. The septic dilution on the site will not be affected negatively. Mr. Shiullo will give a waste water report, but it will actually be 150 gallons less per day going into the septic system because the hair salon will be taken out. Hair salons use a lot of water which goes into the septic system.

Mr. Polistina reviewed the waivers 12, 19, 20, 21, 25, 29, and deemed the application complete if so inclined. He relied on the applicant submitting a revised plan to the Borough either yesterday or today which removed the proposed expansion. Mr. Langraf noted the plan with the proposed expansion removed was in front of the Board. Mr. Polistina explained the plan was delivered to him late the day before and the Board Members did not get it until today.

Mr. Pino commented he wasn't sure what was being asked of the Board Members to do. Mr. Polistina explained the Board was being asked to deem the application complete. The Applicant will still need to provide additional testimony about the Conditional Use itself, but before the Application is heard it needed to be deemed complete.

- 1.) The Board was being asked to waive the checklist items based on it being an existing building, existing parking lot, and nothing new proposed.
- 2.) The Board was being asked to vote on a plan which was just submitted to the Borough if inclined to do so. The Board just got the plan, Mr. Polistina received it just the evening before. The public did not have an opportunity to review it. There was a concern generated. The Application was supposed to be into the Borough 10 days prior. Changes could be made as the Application unfolds and testimony is provided. The Board was able to vote on waiving the checklistm but it was a matter of if the Board was comfortable doing it this evening based on the fact the change occurred within the last 24 hours.

Mr. Pino questioned how the Board was even able to hear the Application. Mr. Coombs explained there is a 10 day requirement. He wasn't sure if Pinelands would require something else any different. It was a question for Pinelands. If the Board felt they would prefer to wait for a Certificate of Filing from Pinelands, the matter could be tabled until the Certificate of Filing was obtained. Mr. Polistina added the original Application which was submitted to the Borough

required a Certificate of Filing and there is a comment in the Engineers Report stating the Board cannot hear the Application. The Application, as it was submitted, could not be heard without the Certificate of Filing. The Applicant in the last 24 hours removed the portion which specifically triggered Pinelands approval. It happened fairly recently and there was a comfort level from the Board with the plan being submitted as something the Board was comfortable hearing tonight.

Mr. Pitale asked if the Board may still hear from Pinelands on the matter. Mr. Polistina responded, he spoke to Pinelands about it and will hear from Pinelands because any Approval given by the Board will ultimately be sent to Pinelands. They will review it. Pinelands is standing on the fact from speaking with Mr. DeClement the Conditional Use does not require a Certificate of Filing. They are going to review the Approval and may have no interest in it and will send a No Call Up letter, but they will take a look at the record of the Board's Approval.

Chairman Pitale asked for a Motion to grant the waivers and deem the Engineers Report complete. Mr. Coombs added one of the waivers waives a possible Certificate of Filing at this time.

There was no Motion heard from the Board. Mr. Coombs suggested a Motion to table the matter. Chairman Pitale asked for a Motion to table the matter.

A Motion was made by Mr. Pino and seconded by Mr. Smith to table the matter. There was a roll call vote with ayes all and one abstention.

Mr. Langraf asked if the Application would require re-notice. Mr. Coombs answered it did not. An announcement was made for the public. The Board decided to table the Application until next month's Planning/Zoning Board meeting and as indicated the Applicant will not have to re-notice all of the surrounding neighbors. The surrounding neighbors were all invited back once again next month, but there will not be another notice sent out by the Applicant.

Christine Esposito, 9 Park Avenue and lives within the 200 foot radius of Collings Lakes Food Market indicated she did not receive a notice. After a review of the 200 foot radius list and the Certified Mail Receipts it was found a Notice was mailed to her, but she never signed the green Return Receipt. Mr. Polistina added, to be clear the Applicants obligation is to get the 200 foot list from the Borough and to send at least 10 days prior the notice to you. As long as they have they have demonstrated they have done that they met what is necessary and met the burden of what they needed to do. He explained if the property owner on the 200 foot radius list did not receive the notice because the postal service or somebody else didn't deliver it properly. The Applicant was required to mail the notice. The recipient has to sign for certified. If you are not home for two weeks. As long as the Applicant has sent it to you it meets the burden of what they need to do.

Mr. Coombs addressed Ms. Esposito. He reviewed the certified receipts submitted by the Applicants Attorney. There was an indication her notice was sent certified mail, He did not have a return card back from her, but had some back from many of the neighbors. It indicated when the mail carrier came to her home either the notice was refused or no one was home. Mr.

Coombs explained he had a submission indicating it was mailed on the 25th of March to Esposito at your address. Ms. Esposito asked for a copy. It was the only copy the Board had, but suggested the Applicants attorney could provide one to her.

Mr. Polistina added the Engineers Report was not deemed complete. If they mailed the notice, even though it wasn't received, the next hearing is May 18, 2016 at 7:00 pm. He advised this was the notice for anyone who was in attendance. There is no more noticing sent to be clear. Nothing else will come in the mail. The hearing will be May 18, 2016 ay 7:00 pm. He requested if the Food Market was thinking about making changes to improve the access as was discussed, to get a plan to the Borough by the May 8th deadline. Ten days prior to the May 18th meeting.

Mr. Coombs swore in Christine Esposito, 9 E. Park Ave., Folsom, N. J. 08094. Ms. Esposito asked if the Applicant was adding more bar stools. Mr. Coombs responded, the Applicant indicated their intent. He did not recall anything having to do with additional bar stools. Ms. Esposito asked if the Applicant was changing their license. Mr. Coombs answered the Board did not get to that portion of the testimony. Ms. Esposito asked if it would have to be approved by the County, but it was not a question for the Planning Board Solicitor to answer. Mr. Coombs explained licensing is through the State of New Jersey. Ms. Esposito asked if it is signed off locally by the Municipality and if it goes to the Planning/Zoning Board if the Applicant was changing their license. Mr. Coombs explained it would depend on what the Applicant wanted to do. It depended on whether the Applicant were expanding it, transferring it, selling it. The Board didn't hear testimony on it and explained for him to talk about it he would be guessing.

Mr. Esposito asked if she owned a bar and wanted to change the license what would be the process. Mr. Coombs could not answer the question because of his position as Planning/Zoning Board Solicitor, but advised Ms. Esposito his answer would be to seek private council.

Chairman Pitale announced for the record:

Application # 02-ZB-15 Wayne & Karen Sweeten - An amended plan for this application was received from Dixon Associates Engineering, LLC. It was amended for Note #6 on the site plan - allocation of floor space and Item #5 in the Decision and Resolution. The corrected site plan has also been submitted to the Pinelands. The announcement was to place the information on record.

Chairman Pitale announced the resignation of Mr. Arena. He reminded the Planning Board Members need to submit their Financial Disclosure Statements.

Mayor DeStefano noted Mr. Arena's replacement would be chosen at the next council meeting. Mr. Coombs thanked Mr. Arena for his services.

Mayor DeStefano added there was nothing happening with Ferris Associates at the Mayor & Council level. Council is looking into special Council for the matter and was in the process right now.

There was no other business for the Board.

The next scheduled meeting will be May 18, 2016 at 7:00 pm.
Meeting adjourned at 7:50 pm.

Respectfully submitted,

Susan Carroll; Board Secretary