

**BOROUGH OF FOLSOM  
COUNCIL MEETING  
MINUTES  
May 14, 2019**

**MEETING CALLED TO ORDER: 6:50PM**

**SALUTE TO THE FLAG LED BY Mayor 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

**Also present:** Mayor Lou DeStefano, Attorney John Carr, Engineer Vince Polistina and CFO Dawn Stollenwerk

**Absent:** Councilman Pagano

**APPROVAL OF WORKSHOP MEETING MINUTES FROM April 9, 2019**

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

There was a roll call vote with ayes all.

**APPROVAL OF THE COUNCIL MEETING MINUTES FROM April 9, 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.

**APPROVAL OF THE EXECUTIVE SESSION MEETING MINUTES FROM April 9, 2019**

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

There was a roll call vote with ayes all.

**APPROVAL OF THE SPECIAL MEETING MINUTES FROM April 16, 2019**

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

There was a roll call vote with ayes all with the exception of Councilman Schenker’s abstention

**APPROVAL OF THE EXECUTIVE SESSION MEETING MINUTES FROM April 16, 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 with the exception of Councilman Schenker’s abstention.

## **MEETING OPEN TO PUBLIC: NO COMMENTS**

### **CLERK'S CORRESPONDENCE:**

Borough Hall offices will be closed on Monday, May 27, 2019 in observance of Memorial Day

Reminder: The Clerk's office is opened until 7:00PM on Monday evenings.

Borough Hall Summer Hours will begin on June 3, 2019 from 8:00AM to 3:30PM.

The Atlantic City Football Team Blackjacks will be hosting a Folsom Night on June 1, 2019 at 3:30PM  
Please see website for more information.

### **ORDINANCES:**

#### **BOROUGH OF FOLSOM ORDINANCE 06-2019**

#### **AN ORDINANCE OF THE BOROUGH OF FOLSOM, COUNTY OF ATLANTIC, STATE OF NEW JERSEY TO ADOPT THE INTERNATIONAL PROPERTY MAINTENANCE CODE AND NJSA 40:48-2.3 THROUGH NJSA 40:48-2.7**

**WHEREAS**, it is the intent of this ordinance to protect and preserve the general public health, safety and welfare of the citizens of the Borough of Folsom by the adoption of clear and specific property maintenance regulations governing the conditions and maintenance of all property, buildings and structures; providing the standards to ensure that structures are safe, sanitary and fit for occupancy and use; and for the condemnation of buildings and structures unfit for human occupancy and use and the demolition of such existing structures in the Borough of Folsom. It is intended as a complement to the applicable building codes, ordinances and regulations that control construction and improvements to real property in the Borough, rather than being a replacement of those ordinances. The Borough respects the right of property owners to maintain and beautify their own property and it is not the intent of this ordinance to bring hardship upon property owners or that the ordinance be enforced in such a manner as to be punitive for minor infractions of the ordinance. The Borough is concerned, however, that properties are maintained to a minimum standard in order to enhance the quality of life in Folsom.

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

#### **SECTION 1. Adoption of standards; copies on file.**

A. A certain document, three copies of which are on file in the office of the Borough Clerk of the Borough of Folsom, pursuant to N.J.S.A. 40:49-5.1 et seq., being marked and designated as the "International Property Maintenance Code, 2018 Edition" be and is hereby adopted as the Property

Maintenance Code of the Borough of Folsom, County of Atlantic and State of New Jersey, for the control of buildings and structures as herein provided, and each of the regulations, provisions, penalties, and conditions of said Code are hereby adopted and made a part hereof as if fully set forth in this article.

**B.** Adoption of NJSA 40:48-2.3 through NJSA 40:48-2.7, attached hereto, for the control of unfit buildings in the Borough of Folsom, County of Atlantic and State of New Jersey, and each of the regulations, provisions, penalties, and conditions of said laws are hereby adopted and made a part hereof as if fully set forth in this article.

#### **SECTION 2. Repealer; construal of repealer.**

**A.** Borough of Folsom and any amendments thereto, which currently constitute Chapter 118 and Chapter 151 of the Code of the Borough of Folsom, New Jersey, are hereby repealed and are to be replaced by this article.

**B.** Nothing in this article or in the Property Maintenance Code adopted hereby shall be construed to affect any suit or proceeding pending in any court or any rights acquired or liability incurred or any cause or causes of action acquired or existing under any act or ordinance hereby repealed as cited in Subsection A of this section; nor shall any just or legal right or remedy of any character be lost, impaired or affected by this article.

#### **SECTION 3. References under New Jersey Administrative Code.**

Any reference to the International Building Code, International Mechanical Code, International Plumbing Code, International Residential Code, International Fire Code, International Fuel Gas Code or the ICC Electrical Code, including those listed in Chapter 8, shall be considered a reference to the appropriate adopted building, mechanical, plumbing, one- and two- family dwelling, fire protection, fuel gas, or electrical subcode, as adopted and amended by the New Jersey Administrative Code (NJAC) 5:23-3, or the rehabilitation subcode as adopted in New Jersey Administrative Code 5:23-6 as appropriate. Additionally, any references to the International Zoning Code shall be considered a reference to Chapter 170, Subdivision and Land Development and Chapter 200, Zoning, of the Code of the Borough of Folsom.

#### **SECTION 4. Amendments.**

The Borough of Folsom may adopt any amendments, revisions or additions to the International Codes as may hereinafter be adopted by the entities formulating the same, and such amendments may be adopted and shall become effective upon the passage of an appropriate resolution of this governing body setting forth and adopting by reference such changes.

#### **SECTION 5. Other standards.**

Nothing herein shall be construed to prevent the Borough of Folsom from adopting more-stringent standards for the maintenance of property, buildings and structures as may be deemed to be prudent and in the best interests of the citizens of the Borough of Folsom.

**SECTION 6. Enforcement.**

It shall be the duty of the Borough of Folsom Code Enforcement Officer or his/her authorized representative to enforce the provisions of the Property Maintenance Code as herein provided.

Any reference to “code official” in the International Property Maintenance Code, 2018 Edition, shall mean the Borough of Folsom Code Enforcement Officer.

Any reference to “public officer” in the Borough of Folsom Property Maintenance Code shall mean the Borough of Folsom Code Enforcement Officer.

**SECTION 7. Violations and penalties.**

The International Property Maintenance Code, 2018 Edition, is amended and revised in the following respects:

A. Section 106.4, Penalty, shall be amended to read as follows: "Any person, firm or corporation who shall violate any provision of this code shall, upon conviction thereof, be subject to a fine of not more than \$1,000 or imprisonment for a term not to exceed 90 days or community service for a period not to exceed 90 days, or any combination of the foregoing, at the discretion of the court. Each day that a violation continues after due notice has been served, in accordance with the terms and provisions hereof, shall be deemed a separate offense."

**SECTION 8.** If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be unconstitutional or invalid, such decision shall not affect the remaining portions of this Ordinance.

**SECTION 9.** The provisions of this ordinance may be renumbered for purposes of codification.

**SECTION 10.** This Ordinance shall take effect immediately upon final passage, approval and publication as required by law.

**A motion to approve Ordinance#06-2019 was made by Councilman Hoffman and seconded by Councilman Arena**

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

**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, clearcutting, coppicing, disk ing, drum chopping, group selection, individual selection, natural regeneration, root raking, seed tree cut, shelterwood 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:

Parcel Size	F-20 Zone	F-30 Zone
<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 X, Pinelands Area Standards, §200-15B, F Forest Area Districts, 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.

(2) Minimum lot size:

[a] F-20 Zone: 20 acres.

[c] F-30 Zone: 30 acres.

**VII. 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 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.

**VIII. 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 acres.

**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)(a) through (c) 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 by replacing Subsection B(6) with the following:**

(6) All noncontiguous lands acquired pursuant to Subsections B(1) through (5) 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.

**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:**

(a)-(e) No change

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

**XII. 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).

## **Article III. Zoning Districts; Zoning Map**

### **§ 200-7. Establishment of districts**

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

### **§ 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.

## **Article IV. District Regulations**

### **§ 200-14. Establishment of district regulations**

In order to implement the goals and objectives of the Pinelands Protection Act and the Pinelands Comprehensive Management Plan and to regulate the type and location of uses, and the density and intensity with which such lands are to be utilized, the following districts, uses and limitations are hereby established within the Borough.

### **§ 200-16. FC Forest Commercial District**

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, excluding single-family detached dwellings.

(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, single-family detached dwellings.

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 § 200-658

(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.

### **§ 200-17. RD Rural Development District**

A. through B. No change.

**§ 200-17 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.

**§ 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;

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

- (1) Residential development
- (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 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)

### **§ 200 -18 through § 200 -73**

No change.

**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%

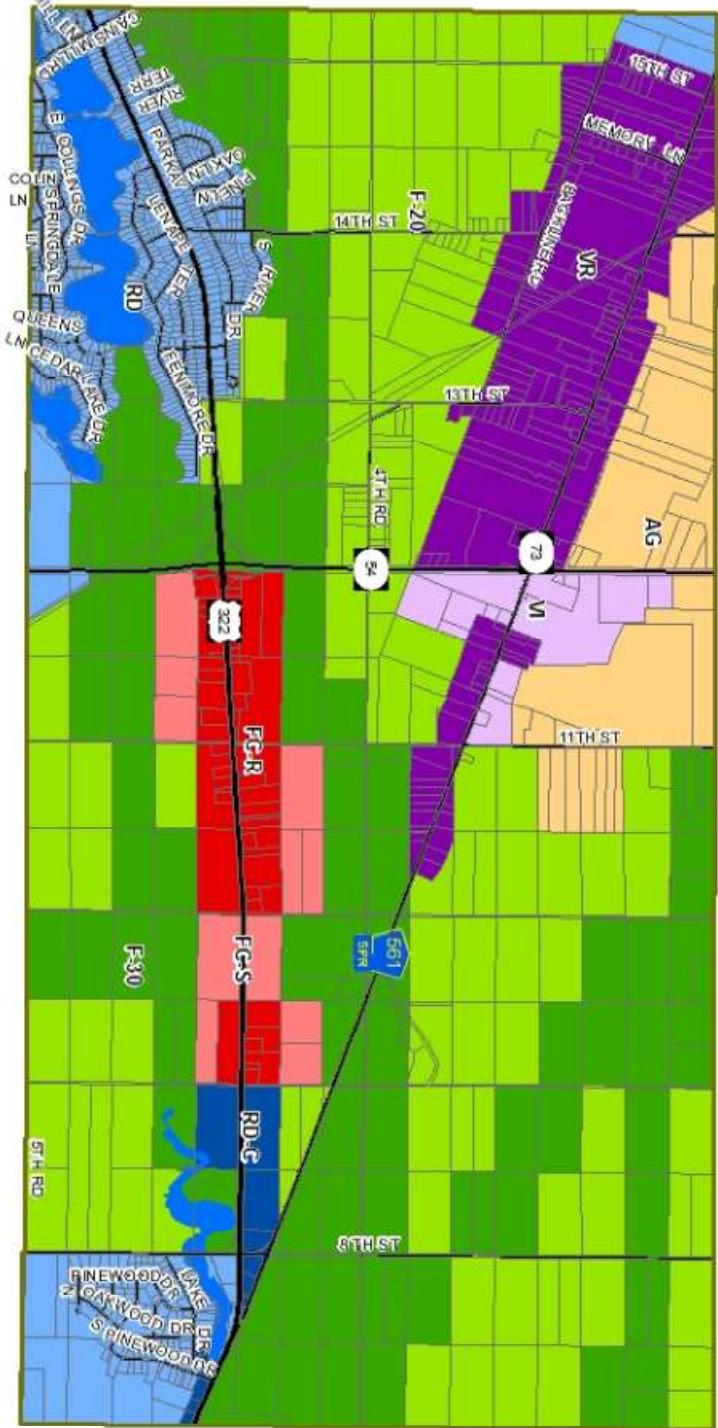
NOTES:

(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.

## Folsom Borough Zoning District Map



### Zoning Districts

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



**BOROUGH OF  
FOLSOM  
NEW JERSEY**

Date Prepared: October 2018

Sources: NJOGIS, NJDCA,  
Borough of Folsom



0      0.5      1  
Miles

**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.

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

There was a roll call vote with ayes all.

**BOROUGH OF FOLSOM**

**ATLANTIC COUNTY, NEW JERSEY**

**ORDINANCE 08-2019**

**AN ORDINANCE AMENDING BOROUGH OF FOLSOM CHAPTER 200-6-(2) AND CHAPTER  
170**

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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**, the Borough of Folsom seeks to update its Ordinances as is necessary and appropriate in order to best maintain the quality of life in the Borough of Folsom; and

**WHEREAS**, the Borough of Folsom Code Office has recommended certain updates;

**NOW, THEREFORE, BE ORDAINED** by the Mayor and Council of the Borough of Folsom, County of Atlantic and State of New Jersey that:

- Chapter 170 is hereby updated to include the Zoning Officer as the Administrative Officer
- Chapter 200-6-(2) shall include the Zoning Officer as the Borough of Folsom Administrative Officer.

All former Ordinances which are in conflict with the provisions contained herein are hereby repealed upon adoption of this Ordinance. All former Ordinances which are not in conflict shall remain in full force and effect and unchanged by this update.

**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.

**A motion to approve Ordinance#08-2019 was made by Councilman Arena and seconded by Councilman Conway**

There was a roll call vote with ayes all.

**RESOLUTIONS:**

**RESOLUTION 2019-54  
BOROUGH OF FOLSOM**

**A RESOLUTION GRANTING A RAFFLE LICENSE TO FOLSOM ATHLETIC ASSOCIATION  
TO BENEFIT THE SOFTBALL AND BASEBALL PROGRAMS**

**WHEREAS**, the Folsom Athletic Association has applied for a license to conduct an on premise raffle to be held on May 31, 2019.

**NOW THEREFORE BE IT RESOLVED**, by the Council of the Borough of Folsom, that

1. The following facts are hereby found and determined:
  - a) The Applicant is qualified.
  - b) The members designed to conduct the games are active members.
  - c) The members designated to conduct the games are of good moral character and have never been convicted of a crime.
  - d) The raffle will be conducted according to the Raffle Licensing Law and the Rules of Legalized Games of Chance Control Commission.
  - e) The entire proceeds are to be disposed of for a purpose permitted by the Raffles Licensing Law.
  - f) There is satisfactory proof that no payment will be made for conducting the raffle or assisting therein except to the extent allowed by the law.
  - g) There is satisfactory proof that the prizes are of the nature and amount allowed by the Raffles Licensing Law.
  - h) The rental to be paid for equipment does conform to the schedule of authorized rental prescribed by the Rules of the Control Commission.
2. The Council is hereby authorized and directed to execute and deliver the proper certificates of the aforesaid Findings and Determinations in the Form prescribed and specified by the Legalized Games of Chance Control Commission.

**A motion to approve Resolution #2019-54 made by Councilman Arena and seconded by Councilman Conway**

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

**RESOLUTION 2019-55  
BOROUGH OF FOLSOM**

**SELF EXAMINATION OF BUDGET RESOLUTION  
(as required by DCA)**

**WHEREAS**, N.J.S.A. 40A:4-78b has authorized the Local Finance Board to adopt rules that permit municipalities in sound fiscal condition to assume the responsibility, normally granted to the Director of the Division of Local Government Services, of conducting the annual budget examination; and

**WHEREAS**, N.J.A.C. 5:30-7 was adopted by the Local Finance Board on February 11, 1997; and

**WHEREAS**, pursuant to N.J.A.C. 5:30-7.2 through 7.5, the Borough of Folsom has been declared eligible to participate in the program by the Division of Local Government Services, and the Chief Financial Officer has determined that the local government meets the necessary conditions to participate in the program for the 2019 budget year.

**NOW, THEREFORE BE IT RESOLVED** by the governing body of the Borough of Folsom that in accordance with N.J.A.C. 5:30-7.6a & 7.6b and based upon the Chief Financial Officer's certification, the governing body has found the budget has met the following requirements:

1. That with reference to the following items, the amounts have been calculated pursuant to law and appropriated as such in the budget:
  - a. Payment of interest and debt redemption charges
  - b. Deferred charges and statutory expenditures
  - c. Cash deficit of preceding year
  - d. Reserve for uncollected taxes
  - e. Other reserves and non-disbursement items
  - f. Any inclusions of amounts required for school purposes
2. That the provisions relating to limitation on increases of appropriations pursuant to N.J.S.A. 40A:4-45.2 and appropriations for exceptions to limits on appropriations found at N.J.S.A. 40A:4-45.3 et seq., are fully met (complies with CAP law).
3. That the budget is in such form, arrangement, and content as required by the local Budget Law and N.J.A.C. 5:30-4 and 5:30-5.
4. That pursuant to the Local Budget Law:
  - a. All estimates of revenue are reasonable, accurate and correctly stated
  - b. Items of appropriation are properly set forth
  - c. In itemization, form arrangement and content, the budget will permit the exercise of the comptroller function within the municipality.
5. The budget and associated amendments have been introduced and publicly Advertised in accordance with the relevant provisions of the Local Budget Law,

except that failure to meet the deadlines of N.J.S.A. 40A:4-5 shall not prevent such certification.

6. That all other applicable statutory requirements have been fulfilled.

**BE IT FURTHER RESOLVED** that a copy of this resolution will be forwarded to the Director of the Division of Local Government Services upon adoption.

**A motion to approve Resolution #2019-55 made by Councilman Schenker and seconded by Councilman Jantz**

There was a roll call vote with ayes all.

**RESOLUTION 2019-56  
BOROUGH OF FOLSOM**

**A RESOLUTION AUTHORIZING A REFUND OF OVERPAYMENT OF PROPERTY TAXES**

**WHEREAS**, it has come to the attention of the Borough Council that payment has been made in excess on the 2019 second quarter taxes to the property listed; and

**WHEREAS**, said payments have resulted in overpayment of property taxes in the amounts listed below;

<b><u>BLOCK/LOT</u></b>	<b><u>AMOUNT</u></b>	<b><u>TO</u></b>
1001/11	\$1,069.13	Corelogic

**NOW THEREFORE BE IT RESOLVED**, by the Borough Council of the Borough of Folsom, County of Atlantic and State of New Jersey, that the following overpayments be refunded.

**A motion to approve Resolution #2019-56 made by Councilman Hoffman and seconded by Councilman Schenker**

There was a roll call vote with ayes all.

**RESOLUTION 2019-57-TABLED**

**BUDGET HEARING:**

**RESOLUTION 2019-58  
BOROUGH OF FOLSOM**

**A RESOLUTION TO ADOPT AND READ THE BUDGET BY TITLE ONLY**

**WHEREAS**, the local municipal budget for the year 2019 was approved on the 9th day of April 2019; and

**WHEREAS**, the it is the desire of the Borough of Folsom governing body to read the budget by title only, and

**WHEREAS**, the public hearing on said budget has been held May 14, 2019 as advertised; and

**NOW, THEREFORE BE IT RESOLVED**, this Resolution was approved for final adoption at a public hearing held in the Borough of Folsom Municipal Building, 1700 12<sup>th</sup> St., Folsom, NJ on the 14<sup>th</sup> day of May, 2019 at 6:00pm.

**A motion to approve Resolution #2019-58 made by Councilman Arena and seconded by Councilman Hoffman**

**OPEN TO PUBLIC: NO COMMENTS**

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

**SOLICITOR'S REPORT:** John Carr distributed to Mayor and Council his Solicitor's report. Also discussed a trash ordinance for businesses.

**FIRE CHIEF REPORT:** Councilman Jantz read the fire report.

**ENGINEER'S REPORT: (Vince Polistina)**

**Action Items:**

**NJDOT FY2019 Municipal Aid Project:**

The Borough was awarded funding in the amount of \$310,000 through the NJDOT FY2019 Municipal Aid Program. The funding will be used for the 2019 Road Program - Resurfacing of Backline Road. A proposal for the design and construction management services provided by our firm to complete the project has been sent to the Borough for consideration. As indicated in the proposal, we would be ready to begin the work immediately following authorization in an effort to avoid construction delays due to the cold weather in the winter. ***Council will need to authorize the work to begin survey and design work per the proposal.***

**FY 2018 Community Development Block Grant (CDBG) Program:**

ARH Associates has reviewed the bids submitted for the improvements proposed at Penny Pot Park. The bids were received on Thursday, May 2, 2019. We have asked Mr. Herrmann to present the bid results to Council and to discuss the options for awarding the bids. The lowest bid was \$44,550.00. The ACIA has indicated that the Borough has \$37,753.67 in funding available to date and it is possible to utilize the \$15,000 allocation for 2019 to cover the additional costs for the 2018 project, if necessary (but this will eliminate any project for 2019). ***Council will need to accept or reject the bids as recommended by Mr. Herrmann.***

**Atlantic County - Signalization on Mays Landing Road**

Atlantic County has sent an agreement to the Borough for the signalization/proposed flashing beacons by the school along Mays Landing Road. The County proposes to remove the existing signs and install new solar powered flashing beacons and thermoplastic striping/traffic markers.

The County will be responsible for the cost of the installation and equipment, and the 5 year modem cellular plan. The County will transfer ownership to the Borough upon completion of the installation and the maintenance will be the responsibility of the Borough. The beacons are solar powered and utilize LED lights, it is anticipated that there will be little maintenance required. Upon the expiration of the modem cellular plan paid for by Atlantic County, it is expected that the Borough will continue to cover the cost for the plan at an estimated rate of \$200 per year. ***Council will need to approve the agreement and execute the agreement with Atlantic County.***

**Current Projects:**

**2019 CDBG Funding**

The application for 2019 funding was submitted on April 10, 2019. The application requested funding for additional pieces of senior exercise equipment for Penny Pot Park. The locking drop box and lighting around Penny Pot Park were confirmed by the ACIA not to be eligible projects for the CDBG funding.

**NJDOT FY2018 Municipal Aid Project:**

The Borough awarded the NJDOT FY2018 Municipal Aid Project on April 9, 2019 to Arawak Paving Company. ARH will continue to do the construction management and inspection for this project and is expecting to hold a preconstruction meeting for the project by the end of May.

**Ferris Associates**

In compliance with the 2018 resource extraction permit renewal for Ferris Associates, the Spring 2019 bi-annual inspection was conducted by our office and the Borough's Zoning Officer, Alex Bauer, on April 16, 2019. The site is being actively mined and appears to be in satisfactory condition. An inspection report is attached and will be presented to the Planning/Zoning Board at the May 15, 2019 meeting.

**Railroad Crossing Detour at Backline Road**

IH Engineers has reached out to the Borough with a proposed detour plan for the railroad crossing at Backline Road. IH Engineers is looking for concurrence on the detour plan and the NJDOT will advise when the construction will occur.

**FY2020 NJDOT Municipal Aid Applications:**

The NJDOT just announced the deadline for the FY2020 Municipal Aid program applications. The Borough will need to adopt a resolution in June authorizing the submission of the application and select the roads to be paved under the FY2020 funding. The deadline for application submissions is July 19, 2019.

**MAYOR'S REPORT:** Mayor DeStefano informed residents that a new salt shed will be built at the NJDOT Maintenance Yard next to Borough Hall. The Mayor also stated that he has to appear in Court in Hammonton over the Doing It Right, Inc. violations. Mayor DeStefano congratulated School Board President Glen Smith on his 20 year award from New Jersey School Board Association. Mayor also thanked the entire School Board.

**COUNCIL MEMBER'S REPORTS:**

**Councilman Greg Conway:** Greg reported that the Arbor Day Contest was a great success. He stated that the winners were presented awards. Greg reported that the winner's essays and drawings are on display at Borough Hall. Greg informed residents that the Community Yard Sale is May 18.

**Councilman Ken Jantz:** Ken reported that he called in a light that was out on Park Avenue. He reminded all residents to report any lights that are out to Borough Hall or visit the Borough website.

**Councilman Pagano:** absent

**Councilman Arena:** Charlie reported on the Parks & Rec meeting and that he was very disappointed that at his last visit to the park he witnessed children who were accompanied by their parents tearing limbs off the trees. He also reported that teams are still soft tossing against the fences causing damage. Littering is also an issue. Charlie also expressed his concern over the use of lights at the fields.

**Councilman Hoffman:** Jim reported that the Borough received two (2) bids for the well tank.

**Councilman Schenker:** Greg wished everyone a Happy Memorial Day.

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

**OPEN TO THE PUBLIC: NONE**

**PAYMENT OF BILLS IN THE AMOUNT OF: \$461,949.31**

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

There was a roll call vote with ayes all.

Mayor 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 of Mayor and Council will be held on Tuesday, June 11, 2019 starting with the workshop meeting at 6:00 pm and continuing immediately thereafter with the regular meeting at Borough Hall, 1700 12<sup>th</sup> Street, Folsom, NJ.

With no other discussion the meeting was adjourned at 7:41PM.

Respectfully submitted,

Patricia M. Gatto  
Municipal Clerk



