

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

May 17, 2017

The meeting was called to order at 7:04 PM.

SALUTE TO THE FLAG

CERTIFICATION: Adequate notice of this meeting has been given in accordance with the Open Public Meeting Act pursuant to Public Law 1975, Chapter 231. Said notice has been advertised in The Gazette and Atlantic City Press and is posted on the bulletin board showing the time and place for the meeting.

ROLL CALL:

Members Present: Charlie Pitale, Joe Pino, Glenn Smith, Joel Spiegel, Dave Cappuccio, Ben Pagano, Michael Veneziano, Claude Jones, Michael Sutts

Members Absent: Mayor DeStefano, John LaPollo,

Others Present: Solicitor: Jorge F. Coombs, Esq.
Board Engineer: Jen Heller for Vince Polistina, PE, PP
Board Secretary: Susan Carroll

APPROVAL OF MINUTES:

A motion was made by Mr. Pagano and seconded by Mr. Pino to approve the minutes of April 19, 2017. There was a roll call vote with ayes all.

Charlie Pitale	Yea
Joe Pino	Yea
Glenn Smith	Yea
Joel Spiegel	Yea
Dave Cappuccio	Yea
Ben Pagano	Yea
Michael Veneziano	Yea
Claude Jones	Yea
Michael Sutts	Yea

DECISION RESOLUTION:

A Motion was made by Mr. Cappuccio and seconded by Mr. Sutts to grant the Decision Resolution for Diamond Roof Cleaning/Michael DeRose. There was a roll call vote ayes all.

Charlie Pitale	Yea
Joe Pino	Yea
Glenn Smith	Yea
Joel Spiegel	Yea
Dave Cappuccio	Yea
Ben Pagano	Yea
Michael Veneziano	Yea
Claude Jones	Yea
Michael Sutts	Yea

DECISION RESOLUTION:

A Motion was made by Mr. Pagano and seconded by Mr. Smith to grant the Decision Resolution for Sueanne Irwin. There was a roll call vote with 7 ayes and 2 abstentions

Charlie Pitale	Abstain
Joe Pino	Abstain
Glenn Smith	Yea
Joel Spiegel	Yea
Dave Cappuccio	Yea
Ben Pagano	Yea
Michael Veneziano	Yea
Claude Jones	Yea
Michael Sutts	Yea

DECISION RESOLUTION:

A Motion was made by Mr. Cappuccio and seconded by Mr. Pitale to grant the Decision Resolution for Sherry Bada and Pamela May. There was a roll call vote with ayes all.

Charlie Pitale	Yea
Joe Pino	Yea
Glenn Smith	Yea
Joel Spiegel	Yea
Dave Cappuccio	Yea
Ben Pagano	Yea
Michael Veneziano	Yea
Claude Jones	Yea
Michael Sutts	Yea

DECISION RESOLUTION:

The Decision Resolution for Collings Lakes Food Market, Application 05-ZB-2017 for the Amended Conditional Use Permit was tabled to June. The Board Engineer and opposing Council requested to review the draft prior to the Board voting on it.

APPLICATION:

Application # 06-ZB-2017 – Darryl DiLiberto seeking a Variance for a side yard setback to replace a 8’ x 8’ shed with a 10’ x 16’ shed on Block 2706 – Lot 7 on the Official Tax Map of the Borough of Folsom and more commonly known as 300 Glenside Drive, Williamstown, N. J. The property is located in the Rural Development Zoning District. The Application was tabled to the June meeting because the Board Engineer needed additional information from the Applicant in order to complete the Engineering Report. It was noted for the record Mr. DiLiberto did not need to re-notice for the next hearing.

OTHER BUSINESS:

The Zoning Officer needed to discuss zoning issues for Block 502 – Lot 4 - 1211 11th Street, Folsom, N. J. 08037. A 1½ acre lot with a dilapidated 700 sq. ft. home located in the Agricultural Zoning District. Mr. LaPollo was not in attendance. The Board Engineer spoke to Pinelands Commission and the house could be demolished. A demolition permit would need to be issued and will have five (5) years from the time the permit is issued to re-construct a single family dwelling. The Pinelands did not have an issue with the lot area, or the set back. The house could be repaired, replaced, or upgrade the existing system and would have to get the County Health Department approval.

Any size house could be built. They will have to come to the Board for a Variance for any setbacks needed. The setback in the AG Agriculture District is a 200 foot front yard setback. The lot is only 250 feet deep.

The Pinelands was fine with the lot size as long as the house is re-built within the five (5) years. If it is built after the five (5) years Pinelands Approval will be needed. The property was not exempt from Zoning. The lot area will be existing non-conforming, but the setbacks will apply.

It is a Conditional Use by Permit. Residential Use in the Agriculture District. Since it is an existing non-conforming use, the Pinelands was fine with it and felt it could be continued as that Use, but must be replaced with a single family dwelling and could not be replaced with something else.

Multiple Variances would need to be granted for setbacks. A Variance would not be needed for the lot size even though 40 acres are required in the Agriculture Zone. It would be an existing non-conforming lot area Variance. If the five years lapse, Pinelands approval will be needed.

The property was not exempt from zoning. The lot area will be existing non-conforming, but the setbacks will apply. A Conditional Use by permit for Residential Use in the Agriculture (AG) Zone would not apply. Since it is an existing non-conforming Use, the Pinelands was fine for it be continued as that use, but the single family dwelling had to be replaced with another single family dwelling. It cannot be replaced with something else.

A Variance for lot size would not be needed. An existing non-conforming lot area Variance would be needed because the Pinelands was okay with it.

If the five (5) years lapses a septic approval from Pinelands would be needed. Pinelands will make

them do the alternate septic design because of the undersize lot. Right now they are only obligated to repair or upgrade or replace the existing septic on the site for whatever house is built. The County Health Department would have to approve the septic. The Pinelands acknowledged it. It was uncertain if there was a cesspool or septic system was currently in place. The Pinelands was not clear on whether the system would need to be installed based on the number of bedrooms. It would be up to the County Health Department. Any Approval the Board grants can be conditioned upon the County Health Department Approval. They will not be able to get a building permit without a septic approval from the County Health Department.

Lot Coverage Variance: They do not have to build on the same footprint because there were no wetlands on the site. Ground coverage was 3% of 1 ½ acres or 1,800 square feet in the Agricultural Zone. They could build up to 1,800 square foot home without getting a Coverage Variance.

The Certificate of Filing could be transferred. The property could be bought and sold to someone else and the Certificate of Filing allows the next owner to demolish the house and put a new one up.

A Variance for an undersized lot in the Agricultural Zone would not be needed because Pinelands was giving them permission to do it and it was an existing non-conforming lot and existing non-conforming structure. Once the house is torn down it will no longer be existing non-conforming because nothing will be there. The lot area was fine according to Pinelands. The Use will not change.

There were cases where a house was demolished and wait five years. The Tax Assessor removed the Residential Zoning. The lot in question was currently being assessed as Residential and was what the Pinelands looked at in their determination. If the house were demolished, then in ten years the Board can determine that the lot no longer Residential. The lot was grandfathered right now, but if the Use was abandoned it will need to be reasserted the Conditional Use by Permit which was Residential. It didn't need to be reasserted if the demolition permit were pulled now and construction of a single family dwelling started now.

It would need a septic approval and the required setback Variances before building the house. Pinelands did not see an issue with the lot. It was the first one Pinelands had no red flags with. There were no wetlands or no endangered species. There were no other discussion or concern from the Board.

Chairman Pitale announced the Financial Disclosure Statement were due by May 30th.

There was no other business for the Board.

The meeting was opened to the public for their thoughts or concerns. Hearing no one from the public, the public portion was closed.

The next scheduled meeting is June 21, 2017 at 7:00 pm.

The meeting was adjourned at 7:21 pm.

Respectfully submitted,

Susan Carroll; Board Secretary