

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

June 21, 2017

The meeting was called to order at 7:02 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, Glenn Smith, Joel Spiegel, John LaPollo, Dave Cappuccio, Ben Pagano, Michael Veneziano, Claude Jones, Michael Sutts

Members Absent: Joe Pino, Mayor DeStefano,

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. Smith and seconded by Mr. Cappuccio to approve the Minutes of May 17, 2017. There was a roll call vote with ayes all.

Charlie Pitale	Yes
Glenn Smith	Yes
Joel Spiegel	Yes
John LaPollo	Yes
Dave Cappuccio	Yes
Ben Pagano	Yes
Michael Veneziano	Yes
Claude Jones	Yes
Michael Sutts	Yes

DECISION RESOLUTION:

A Motion was made by Mr. Smith and seconded by Mr. Cappuccio to grant the Decision Resolution for Collings Lakes Food Market. There was a roll call vote with ayes all and one abstention.

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

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.

Mr. Coombs swore in Darryl DiLiberto, 300 Glenside Lane, Williamstown, N. J. Currently there was an 8’ x 8’ shed and requested to replace it with a 10’ x 16’ shed for his motorcycle and lawn equipment storage. The 10’ x 16’ shed will be located in the same spot where 8’ x 8’ shed currently is and the 8’ x 8’ will be completely removed. There was 5 feet between the property line and the existing 8’ x 8’ shed. There will be 2 feet between the property line and the new 10’ x 16’. The neighboring property had a fence, was aware of the Application for a larger shed, and didn’t have a problem with it. The Applicant’s home sat catty corner on the property. The shed would be on the side. The driveway was on Glenside.

There were no other questions from the Board. Mr. Polistina gave the Engineers Report.

ENGINEERS REPORT:

Vincent J. Polistina, PE, PP, CME
Craig R. Hurless, PE, PP, CME




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

MEMORANDUM

DATE: June 13, 2017

TO: Planning / Zoning Board of Adjustment
Borough of Folsom

FROM: Vincent J. Polistina, PE, PP 
Planning/Zoning Board Engineer

RE: Darryl DiLiberto
Application No. 06-ZB-17
PA No. 4117.06

LOCATION: 300 Glenside Lane
Block 2706, Lot 762

STATUS: Variance

EXISTING USE: Single Family Residential

PROPOSED USE: Proposed Accessory Structure

JURISDICTIONAL AREA: Pinelands

The materials submitted and subject to review are as follows:

NO.	TITLE	PREPARED BY	DATE	REVISION
	Application Materials	Applicant	4-25-17	
1 of 1	Sketch	Applicant	4-13-17	
1 of 1	Sketch	Applicant	5-5-17	
	Site Photograph	Applicant	4-25-17	

DESCRIPTION:

The Applicant, Darryl DiLiberto, has submitted an application requesting variance relief to construct a one story 10 foot by 16 foot accessory shed on Lot 762 in Block 2706. The subject property is also known as 300 Glenside Lane and is located within the RD zoning district. The site contains an existing one story single family dwelling and accessory shed.

The Applicant is proposing to replace the existing 8 foot by 8 foot accessory shed with the new 160 square foot shed in approximately the same location.

6684 Washington Avenue, Egg Harbor Township, NJ 08234
Phone: 609.646.2950 Fax: 609.646.2949
E-mail: polistinaassoc@comcast.net

The Applicant is seeking relief from the required front and side yard setbacks for the accessory structure. A variance to permit an accessory structure greater than 144 square feet in area is also required.

COMPLETENESS REVIEW:

This application has been reviewed using the Borough's checklist for hardship ("C") variances. The following items were found to be deficient:

*Item 18 - Contours to determine the natural drainage of the land. Contours shall be at 2 foot intervals. **The Applicant has requested a waiver.***

*Item 26 - Location of existing railroads, bridges, culverts, drain pipes, water and sewer mains and other man-made installations affecting the tract. **The Applicant has requested a waiver.***

ZONING REQUIREMENTS:

The property is located in the RD Rural Development zoning district. Permitted uses in this district are outlined in Section 200-17 of the Borough's ordinance.

The following is a list of the area and bulk requirements for the proposed development:

Standard	Required	Proposed	Status
Lot Area	5.5 acres	+0.30 acres	ENC
Lot Width	150 ft	+130 ft	ENC
Lot Depth	200 ft	+82 ft	ENC
Front Yard Setback	75 ft	+22 ft +29 ft*	ENC Non-Conforming
Side Yard Setback	30 ft	+17 ft	ENC
Rear Yard Setback	25 ft	N/A	N/A
Principal Building Height	35 feet max	< 35 feet	Conforming
Coverage	10%	1	Conforming
Accessory Building Size	144 sf max.	160 sf	Non-Conforming
Accessory Building Setbacks			
Side Yard	10 feet	2 ft	Non-Conforming
Rear Yard	5 feet	N/A	N/A
Accessory Building Height	12 feet	12 feet	Conforming

ENC = Existing Non-Conforming

*Measured to accessory structure

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

VARIANCES:

1. **Section 200-17 – Front Yard Setback** – The minimum required front yard setback in the RD zone is 75 feet. The existing dwelling has an existing front yard setback of approximately 42 feet measured to the right of way of Cedar Lake Drive and

approximately 22 feet measured to Glenside Drive. The Applicant is proposing to construct an accessory shed which will have a front yard setback of 29 feet measured to the right of way of Cedar Lake Drive. A variance has been requested.

2. **Section 200-26 - Accessory Building Size** - Notwithstanding the coverage and rear setback limitations otherwise set forth in this chapter, any residential property may contain an accessory structure not exceeding 144 square feet in floor area and 12 foot in height, provided that such accessory structure maintains a rear setback of at least five feet. The Applicant is proposing to construct a 10 foot by 16 foot accessory shed (160 square feet in area) on the subject property which exceeds the permitted size for an accessory structure. A variance is required.
3. **Section 200-26 - Accessory Structure Side Yard Setback** - In the Rural Development and Village Residential Zoning Districts, the required side yard setback for such accessory structures may be reduced to 10 feet. The Applicant is proposing to construct an accessory shed with a side yard setback of 2 feet. A variance is required.

REVIEW COMMENTS:

1. The Applicant is increasing the lot coverage on the site with the proposed accessory shed. The Applicant must demonstrate that the drainage on the adjacent property will not be adversely affected by the proposed accessory shed.
2. This application is subject to the approval of any other agency having jurisdiction on this project. The Applicant should discuss the status of any other approvals.

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

Mr. DiLiberto addressed the water run off. The water drained from the roof onto his property. His property was on sand. The water goes straight down. There will be no offsite run off onto the neighbor's property.

The existing non-conformities for the existing lot and existing structures required to Approve the Variances were Lot Area, Lot Width, Lot Depth, Front Yard Setback, and Side Yard Setback.

There were 3 Variances required for the shed included Front Yard Setback, Side Yard Setback, and Accessory Building Size.

There were 2 Checklist Waivers for Items 18 & 26.

A Motion was made by Mr. Veneziani and Seconded by Mr. Pitale to accept the Completeness of the Engineers Report with two requested Waivers.

There was a roll call vote with ayes all and one abstention:

Charlie Pitale	Yes
Glenn Smith	Yes
Joel Spiegel	Yes
Dave Cappuccio	Yes
John LaPollo	Yes
Ben Pagano	Abstain
Michael Veneziano	Yes
Claude Jones	Yes
Michael Sutts	Yes

The meeting was opened to the public for comment. Hearing none the public portion was closed.

A Motion was made by Mr. Smith and Seconded by Mr. Spiegel to approved 5 existing non-conforming Variances for Lot Area, Lot Width, Lot Depth, Front Yard Set Back, Side Yard Set Back. There were 3 Variances required for the proposed accessory building (new shed) for Front Yard Set Back, Side Yard Set Back, and Building Size. There was a roll call vote with ayes all and one abstention:

Charlie Pitale	Yes
Glenn Smith	Yes
Joel Spiegel	Yes
Dave Cappuccio	Yes
John LaPollo	Yes
Ben Pagano	Abstain
Michael Veneziano	Yes
Claude Jones	Yes
Michael Sutts	Yes

APPLICATION:

Application# 07-ZB-2017 – Vincent Moschella seeking a Variance for a side yard setback and distance of accessory building from an adjacent building for an 18' x 21' garage on Block 2707 – Lot 801 on the Official Tax Map of the Borough of Folsom and more commonly known as 305 Cedar Lake Drive., Williamstown, N. J. The property is located in the Rural Development Zoning District.

Mr. Coombs swore in Vincent Moschella, 305 Glenside Dr., Williamstown. Attorney Mr. Fredrick J. DeClement represented Mr. Moschella regarding the Application for Variances with Waivers for a 21' x 18' foot metal garage.

The structure was a carport enclosed with metal. The Applicant did not obtain a Building Permit. There was no electric in the structure and the Applicant did not plan to put electric in it. It was set on an asphalt driveway and anchored. It was spiked through the asphalt to the ground with rebar. The Applicant had a contractor put the structure up and should have known to obtain a Building Permit.

The building will be used for storage and for the Applicants vehicle. There were two front doors 6' across. The car just barely fit through the door(s).

There were no other questions from the Board for the Applicant.

ENGINEERS REPORT:

Vincent J. Polistina, PE, PP, CME
Craig R. Hurless, PE, PP, CME



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

MEMORANDUM

DATE: June 14, 2017

TO: Planning / Zoning Board of Adjustment
Borough of Folsom

FROM: Vincent J. Polistina, PE, PP *VP*
Planning/Zoning Board Engineer

RE: Vincent Moschella
Application No. 07-ZB-17
PA No. 4117.07

LOCATION: 305 Cedar Lake Drive
Block 2707, Lot 801

STATUS: Variance

EXISTING USE: Single Family Residential

PROPOSED USE: Proposed Accessory Structure

JURISDICTIONAL AREA: Pinelands

The materials submitted and subject to review are as follows:

NO.	TITLE	PREPARED BY	DATE	REVISION
	Application Materials	Applicant	5-24-17	
1 of 1	Sketch	Applicant	4-13-17	
1 of 1	Location Survey	Eugene L. Conway, PLS (not sealed)	9-4-73	5-9-74
	Site Photographs	Applicant	4-25-17	

DESCRIPTION:

The Applicant, Vincent Moschella, has submitted an application requesting variance relief to permit a one story 18 foot by 21 foot accessory shed on Lot 801 in Block 2707. The subject property is also known as 305 Cedar Lake Drive and is located within the RD zoning district. The site contains an existing one story single family dwelling and accessory shed.

The Applicant is seeking relief from the required front and side yard setbacks for the accessory structure. Variances for distance from adjacent buildings and maximum accessory building size are also required.

6684 Washington Avenue, Egg Harbor Township, NJ 08234
Phone: 609.646.2950 Fax: 609.646.2949
E-mail: polistinaassoc@comcast.net

COMPLETENESS REVIEW:

This application has been reviewed using the Borough's checklist for hardship ("C") variances. The following items were found to be deficient:

Item 6 - Key map showing location of tract to be considered in relation to surrounding area within 200 feet. The Applicant has requested a waiver.

Item 18 - Contours to determine the natural drainage of the land. Contours shall be at 2 foot intervals. The Applicant has requested a waiver.

Item 19 - Natural and artificial watercourses, streams, shorelines and water boundaries and encroachment lines. The Applicant has requested a waiver.

Item 20 - Wooded areas indicating predominant species and size. The Applicant has requested a waiver.

Item 21 - Location of trees 6 inches or more in diameter, as measured four feet above ground level, outside of wooded area, designating species of each. The Applicant has requested a waiver.

Item 24 - Location of existing structures and their setbacks from existing and proposed property lines. The Applicant has requested a waiver.

Item 26 - Location of existing railroads, bridges, culverts, drain pipes, water and sewer mains and other man-made installations affecting the tract. The Applicant has requested a waiver.

Item 27 - Location of existing wells and septic systems. The Applicant has requested a waiver.

Item 28 - When an applicant intends to use a conventional septic disposal system, location of test holes, test results and approximate location of the intended disposal field. The Applicant has requested a waiver.

Item 29 - Plans and profiles of proposed utility layouts, such as sewers, storm drains, water, gas, communications and electric, showing feasible connections to existing or proposed utility systems. The Applicant has requested a waiver.

Item 31 - Locations, names and widths of all existing and proposed streets on the property and within 200 feet of the tract. The Applicant has requested a waiver.

ZONING REQUIREMENTS:

The property is located in the RD Rural Development zoning district. Permitted uses in this district are outlined in Section 200-17 of the Borough's ordinance.

The following is a list of the area and bulk requirements for the proposed development:

Standard	Required	Proposed	Status
Lot Area	5.5 acres	+0.60 acres	ENC
Lot Width	150 ft	+108 ft	ENC
Lot Depth	200 ft	+255 ft	Conforming
Front Yard Setback	75 ft	50.92ft 1 (+50.92 ft*)	ENC Non-Conforming
Side Yard Setback	30 ft	12 ft	ENC
Rear Yard Setback	25 ft	> 25 feet	Conforming
Principal Building Height	35 feet max	< 35 feet	Conforming
Coverage	10%	1 (< 10%)	Conforming
Distance from Adjacent Buildings	10 feet	2 feet	Non-Conforming
Accessory Building Size	144 sf max.	160 sf	Non-Conforming
Accessory Building Setbacks			
Side Yard	10 feet	2 ft	Non-Conforming
Rear Yard	5 feet	> 5 feet	Conforming
Accessory Building Height	12 feet	12 feet	Conforming

ENC = Existing Non-Conforming

*Measured to accessory structure

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

VARIANCES:

- Section 200-17 – Front Yard Setback** – The minimum required front yard setback in the RD zone is 75 feet. The existing dwelling has an existing front yard setback of 50.92 feet measured to the right of way of Cedar Lake Drive. The Applicant has constructed an accessory shed which has a front yard setback of approximately 50.92 feet measured to the right of way of Cedar Lake Drive. A variance has been requested.
- Section 200-21 - Distance From Adjacent Building** - The minimum distance of any accessory building from the adjacent building shall be 10 feet and detached accessory buildings shall be located so that all yard requirements are met by the principal use. The Applicant has constructed an accessory structure which has a distance of two (2) feet from the adjacent building whereas the minimum distance required is 10 feet. A variance is required.
- Section 200-26 - Accessory Building Size** - Notwithstanding the coverage and rear setback limitations otherwise set forth in this chapter, any residential property may contain an accessory structure not exceeding 144 square feet in floor area and 12 foot in height, provided that such accessory structure maintains a rear setback of at least five

feet. The Applicant has constructed an 18 foot by 21 foot accessory shed (378 square feet in area) on the subject property which exceeds the permitted size for an accessory structure. A variance is required.

4. **Section 200-26 - Accessory Structure Side Yard Setback** - In the Rural Development and Village Residential Zoning Districts, the required side yard setback for such accessory structures may be reduced to 10 feet. The Applicant has constructed an accessory shed with a side yard setback of 9 feet. A variance is required.

REVIEW COMMENTS:

1. The Applicant should provide testimony regarding the front yard setback dimension of the constructed accessory shed. Based on the site photographs and the sketch, it appears that the accessory shed is situated in line with the principal building, however, it is shown to the rear of the front building line on the survey. This should be clarified.
2. The Applicant has increased the lot coverage on the site with the accessory shed. The Applicant must demonstrate that the drainage on the adjacent property has not been adversely affected by the accessory shed.
3. This application is subject to the approval of any other agency having jurisdiction on this project. The Applicant should discuss the status of any other approvals.

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

There were existing non-conforming conditions which required Variances for Lot Area, Lot Width, Front Yard Setback for the existing single family dwelling, and Side Yard Set Back for the existing single family dwelling.

There were 4 Variances specifically proposed for the accessory structure for the Front Yard Set Back, Side Yard Set Back, Distance From the Adjacent Buildings, and Accessory Building Size.

The Accessory Structure sat catty corner on the lot which made the front corner of the accessory building 3 feet closer to the road than the front of the single family dwelling. The Front Set Back for the Accessory Structure was approximately 47.92 instead of 50.92 as stated in the Engineers Report where 75 ft. was required.

There was a concern with the Accessory Structure situated only 2 feet from the house. If there were flames both structures would both go up in flames. There would be no access for vehicles if there were a fire. There was no access on the side of the structure which was two feet if there were a fire. There was a bigger gap in the front of the house, but the back corner of the Accessory Building was 2 feet (between the house and accessory structure) The back corner had the least distance. The issue was if a vehicle pulled into the driveway and needed to get to the rear of the house it couldn't because it narrowed down to 2 feet between the house and the accessory.

Mr. Moschella testified the roof on the structure did drain solely on his property. There was a space in between one side of his property line. There was a flower bed 2 or 3 feet wide where the water drains into his flower bed. The eaves of the roof of the accessory structure were within

the existing driveway. Any runoff from the roof would go onto the existing driveway then will run off as it normally did to the street or the side of the property.

The well was located in the back yard on the far left. The septic was in the front yard on the right of the Accessory Building squarely in the front of the house.

There were no other questions for the Engineer.

A Motion was made by Mr. Smith and Seconded by Mr. Pagano to grant the Waivers requested and the Completeness of the Engineers Report. There was a roll call vote with ayes all:

Charlie Pitale	Yes
Glenn Smith	Yes
Joel Spiegel	Yes
Dave Cappuccio	Yes
John LaPollo	Yes
Ben Pagano	Yes
Michael Veneziano	Yes
Claude Jones	Yes
Michael Sutts	Yes

The meeting was open to the public for comments or questions. Hearing and seeing none the public portion was closed.

A Motion was made by Mr. Pagano and Seconded by Mr. Cappuccio to Approve Variances for the non-conforming existing Structure (Single Family Dwelling) for Lot Area, Lot Width, Front Set Back and Side Yard Setback; and to Approve Variances for the Accessory Structure for Front Yard Set Back (which varied by 3 ft. from the existing single family dwelling), Distance From Existing Structure, Accessory Building Area, and Side Yard Set Back. There was a roll call vote with ayes all.

Charlie Pitale	Yes
Glenn Smith	Yes
Joel Spiegel	Yes
Dave Cappuccio	Yes
John LaPollo	Yes
Ben Pagano	Yes
Michael Veneziano	Yes
Claude Jones	Yes
Michael Sutts	Yes

EXTENSION OF TIME FOLSOM DEVELOPMENT:

05-PZB-2016 - FOLSOM DEVELOPMENT ASSOCIATES LLC / GEORGE SMITH is seeking an Extension of Time for a Preliminary and Final Major Site Plan, Minor Subdivision, Variances, and a Waiver approval at Block 502 – Lot 17 and Block 503 Lots 1, 2, 3, & 4 on the Official Tax Map of the Borough of Folsom – more commonly known as 1402 – 1404 Mays

Landing Road to construct a 9100 square foot retail store (Dollar General) and a 1,952 square food drive-thru café (Dunkin Donuts). The Application was heard on September 21, 2016 and the Decision Resolution was Approved on October 19, 2016.

Michael Malinsky of Fox Rothschild, LLP was present to represent the Applicant Folsom Development Associates LLC. The Applicant was seeking an Extension of Time for the Minor Sub-division, Variance, and Waivers Approval. The Applicant was granted Completeness for Minor Subdivision, Preliminary and Final Major Site Plan, Variance and Waiver Approval to construct a 9,100 square foot retail store for the Dollar General and a 1,952 square foot drive thru café for the Dunkin Donuts on Block 502 – Lot 17 and Block 503 – Lots 1, 2, 3, & 4 on September 21, 2016 and Memorialized on October 19, 2016.

The Applicant needed to file the Minor Subdivision Deeds within 190 days of the Memorialization of the Resolution which was October 19, 2016. It expired on April 26, 2017. The Applicant was unable to file the Minor Subdivision Deeds and perfect the Subdivision in that time. The Applicant requested an extension to September 8, 2017.

The delay occurred when Pinelands needed seasonal sampling regarding the alternative septic system proposed at the site. The seasonal sampling was done the end of the December (2016). In January the lab needed a resampling of one of the locations. The final test results were obtained in February 2017. The entire package was submitted to Ed Rangowski and Brawen Ellis of the Pinelands. Pinelands reviewed the test results and had questions about the sampling and required additional information regarding the test results and the sampling. The questions were addressed. Pinelands then wanted an actual expert report from the Applicants Engineer, Sandy Mersky. On May 31, 2017 Mr. Rangowski of the Pinelands was satisfied with the Alternative Septic System. The Minor Subdivision Approval had expired by that time. The Applicant filed for an Extension of Time on May 31, 2017 seeking the Extension to September 8, 2017.

Additionally, on December 21, 2016 the Applicant received the County Planning Board Approval, obtained Cape Atlantic Soil Conservation District Approval, and the NJDOT Access Permit was provided on April 18, 2017. The TWA Application was submitted which was deemed administratively complete on May 12, 2017. Ron Bannister of the NJDEP informed the Applicant it should be available within a couple of weeks. With regard to the TWA Application the Applicant was seeking a flow determination and nitrogen reduction to meet the water quality standards of the Comprehensive Management Plan – 2 parts per million at the property line. The Applicant demonstrated the project was moving forward. Once the receipt showing the Deeds were submitted to the County for recording is submitted to the Branwen Ellis of the Pinelands a No Call Up Letter would be issued Conditioned on Pinelands receiving an O & M Manual regarding the Septic System and the Applicant entering into a monitoring agreement with Pineland. It would be recorded which sets forth the Applicants responsibilities and obligations to continually monitor the septic system at the site. The Applicant diligently pursued the governmental approvals to perfect the Minor Subdivision and to move the project forward.

Once the No Call Up Letter is in place, the Applicant hoped to have construction permits and be ready to break ground by October.

There were no other question from the Board.

The Meeting was opened to the public. There were no public questions or comments. The Public portion was closed.

Mr. Coombs clarified under the Statue the developer was barred or prevented directly or indirectly filing because it delays obtaining required approvals from governmental agencies and they acted properly and diligently then they can seek subject extensions and the Board has granted such extensions for periods of time, to a year at a time, between various requests.

A Motion was made by Mr. Spiegel and seconded by Chairman Pitale to extend the Minor Subdivision Approval from April 26, 2017 to September 8, 2017. There was a role call vote with 5 ayes and 4 abstentions.

Charlie Pitale	Yes
Glenn Smith	Abstain
Joel Spiegel	Yes
Dave Cappuccio	Abstain
John LaPollo	Yes
Ben Pagano	Yes
Michael Veneziano	Yes
Claude Jones	Abstain
Michael Sutts	Abstain

A Resolution was prepared to be Adopted. The Applicant asked the Board to consider the Resolution and Approve it so the Applicant could submit it immediately to Pinelands. The Resolution showed the Applicant received Approvals, was moving forward, and answered the next step in the No Call Up Process. The Applicant wanted to break ground and move the Application along as soon as possible. The Application was delayed at Pinelands which caused a time constraint. A Motion was needed to Approve the Resolution.

The Board Members took some time to review the Resolution. Mr. Polsitina addressed the Board. It was fairly standard for Board Members to adopt a Resolution with time constraints like this. Mr. Coombs was satisfied with the Resolution.

Mr. Malinsky gave an overview of the Resolution. The standard initial paragraph indicated who the applicant was, who the owner was, the Lot and Block in question to what was being sought. It listed the documents submitted with the Application which was the Borough of Folsom Land Application, Application Supplemental Form, Application Addendum, Application Checklist, the original Resolution Approved by the Board, along with an Addendum to the Resolution. Pinelands requested to see who the public comment was and the Resolution was amended to provide that information. It stated the Applicant had 190 days from the date of Memorialization of the original Resolution to perfect. The Applicant was unable to meet the 190 days and was barred / prevented to file because of delays of obtaining legally required Approvals from other

Governmental Agencies. The Resolution indicated notice was provided by applicable statute and Ordinances of the Borough of Folsom. An Affidavit of Notice was submitted to the Board's secretary prior to the meeting. All property taxes were confirmed paid on the property. It indicated testimony was produced on behalf of the Applicant sufficient to meet the criteria and sets forth the Statute NJSA 40:55 D-47 the Extension Statute. The Resolution for Extension of Time indicated the Board grant the Extension from April 26 to September 8 and all of the terms and conditions set forth in the prior Resolution remain in full force and effect. It indicated the meeting was open to the public and there was no public comment and a condition granting the Resolution was contingent upon payment of all application and escrow fees, receiving necessary Approvals from any other governmental agencies having jurisdiction including, but not limited to, Pinelands Commission, and Atlantic County Board of Health. It had a signature line for the Chairman, Board Secretary, and Solicitor.

There were no foreseen adverse conditions which would affect the surrounding neighbors and as indicated in the prior Application Notice was sent to everyone and any concerns were addressed in the original Resolution and all Conditions of the original Resolution remain in full force and effect. Notices were sent to everyone within 200 feet even though this was only an Extension, but there were no public comments or questions.

There were no other questions or comments from the Board.

A Motion was made by Mr. Veneziani and seconded by Chairman Pitale to Approve the Resolution for Extension of time. Only the Members who Approved the Application for the Extension of time voted to pass the Resolution.

Charlie Pitale	Yes
Joel Spiegel	Yes
John LaPollo	Yes
Ben Pagano	Yes
Michael Veneziano	Yes

EXTENSION OF TIME – LEISURE POOLS:

07-ZB-2016 – David Pain of Leisure Pools & Spas Manufacturing is seeking an Extension of Time for the Approval of temporary permission to store 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. The Informal Review was heard on December 21, 2016.

Mr. Michael Peacock, of the firm of Nehmad, Perillo, & Davis was present on behalf of Leisure Pools & Manufacturing. Mr. Chris Bradford of Leisure Pools was also present. Mr. Bradford obtained the Approval to temporarily store pool and spa shells for a period of 6 months. The pools and spa shells were manufactured by his business and sold retail at the property. The

Applicant was seeking additional time because he was seeking a special exception from NJDOT. There was a paved access driveway on the property which served a residential property located behind the Applicants property. The Applicant had to seek a special exception from NJDOT for two (2) driveway accesses serve the property to construct an access driveway for the proposed development of the pool business. After some months of pursuing it, the Applicant received a verbal approval from DOT for a Special Exception to have their own driveway access. It will not disturb the neighbors existing access to their home. With the Verbal Approval the Applicant was now able to finalize their plans, submit them to the Pinelands, and submit them to the Board for Approval.

The Applicant was concerned with issues which arose and wanted to address those issues because he wanted to build a permanent facility in the Borough and wanted to be a good corporate citizen and a good neighbor. The Applicant was seeking an additional 6 months for the temporary storage to allow adequate time to go through Pinelands, the Planning/Zoning Board Approvals, address Resolution compliance items, and begin the construction on the permanent facility. A Conceptual Plan for the facility was available to show the progress of making the permanent facility a reality at the site.

Mr. Coombs swore in Mr. Chris Bradford COO of Leisure Pools / Retail Division and David Scheidegg partner with the firm Schaeffer Nassar Scheidegg Consulting Engineers in Mays Landing, N. J.

Schaeffer Nassar Scheidegg was retained by Leisure Pools for the project and did boundary topographic survey, several renditions of conceptual plans, and started the Engineering when the issue with NJDOT occurred. Mr. Scheidegg restated the issue with the existing residential driveway which serviced the residence behind Block 3102- Lot 11; 1118 Black Horse Pike. DOT typically sees one drive way per parcel and needed to make sure to get passed the hurdle because the residential driveway will remain even after the commercial is developed. There will be two driveways on the site. One will be for the existing residential and one single driveway for the commercial use.

The property was bounded to the east and to the north with a 100' wide deed restricted area which could not be cleared. All development will be further away from the residential driveway and more in the center of the site towards the L & M (neighboring) property. The site was designed and the civil engineering plans were being finalized, a site plan showed a 3,500 sq. ft. building in the center of the property, parking space on one side toward the east, with parking spaces in the front for visitors, to display pools in the front, and to store pool shells behind the building and heavily buffered at the time of the final site plan. It was highly anticipated Application will be sent into Pinelands in the next several weeks.

It was difficult to know how long it would take to pursue the separate access for the property because DOT was difficult to get response from, but it wasn't typical for DOT to take a long amount of time.

The Applicant was also pursuing acquiring adjoining parcels due to the buffer, but it wasn't working and will concentrate only on the current 6 ½ acre site. The constraints at the site were laid out and Leisure Pools believed the site was appropriate for their regional area.

The Applicant anticipated submission to the Pinelands very shortly, but Pinelands sometimes takes a longer to issue the Certificate of Filing. Time to take care of any unforeseen issues with Pinelands was considered.

The buffer to the east and the north was an existing wooded area and because there was a deed restriction it couldn't be cleared. It was an area in a vegetative state the property owner cannot use or clear. There was a prior Approval and Memorialized Resolution by the Planning/Zoning Board for the prior property owner which was subsequently recorded. The restriction was binding. The present owner of Leisure Pools wanted a parking lot.

The septic plan will not be submitted to the County when Application is made Pinelad. There will be septic on site, but will not be submitting a septic plan to the County Board of Health at the same time as Pinelands. The Applicant needed to get the Pinelands Approval and receive the Certificate of Filing first then will get Approvals from the Planning/Zoning Board and County Board of Health. Soil sampling to prove there is greater than 5 feet seasonal high ground water and the site will sustain a septic system will be shown on the plans for Pinelands, but won't be doing a formal septic design. A proposed septic will be shown on the plans for Pinelands.

The applicant expected the final site plan to be submitted to the Planning/Zoning Board by the end of the summer. It will take several weeks to do soil tests, submit necessary Application to Pinelands and 30 days to receive the Certificate of Filing. They hoped to be ready in two months, but given the nature of Pinelands Certificate of filing it could take a little longer.

Mr. Bradford explained the current activity on the property. He was currently storing pools and delivering pools from the location to customers. The pools were being loaded on trailers and hauling them out, and bringing more pools in. There was about 70 swimming pools currently at the site. There was no signage and there was no retail business being conducted there.

There was a temporary office trailer located on the property which was recently removed. There were trailers holding pool heaters and pool pumps. They are shipped out with each pool. The trailers also hold strapping and items associated with moving pools. They were used for storage.

When the Applicant started the process he thought it would take 6 months and thought he would have access to the property. He didn't anticipate problems with one access per lot. He tried to work out something for access with the adjoining properties. Lot 12 there was no legal access possible. He spoke to George Hayes, but there was a telephone pole there and couldn't share the driveway. He was relying on his professionals to be prepared within the 6 month extension time. There was an easement on his property for a driveway to the residential property. The Applicant offered to purchase two properties for the access issue, but did not get a reply.

Currently, there is an entrance on the property where there was a bar. It was being used for access to pull in . Once the bar was torn down it was not grandfathered anymore and was not being recognized by DOT as a legal easement.

The Board Members were in agreement to a 9 month Extension of time.

The meeting was opened to the public. Hearing none the public portion was closed.

The Applicant will seek permit for the two storage pods/trailers and will move the pods/trailers to comply with the setbacks for the zone.

A Motion was made by Mr. Cappuccio and seconded by Mr. Veneziani to extend the Temporary Storage Approval an additional 9 months with up date letters to be provided by Council to the Board Solicitor every 90 days updating the Board Members on the status of the various filings and approvals. The Solicitor will provide the Board with updates at meetings as usual business. All other Conditions as previously described in the prior Approval remain the same.

A Motion was made by Mr. Cappuccio and seconded by Mr. Veneziani to extend the Temporary Storage Approval 9 months beginning June 30, 2017 – all other Conditions remain the same.

There was a roll call vote with ayes all.

Charlie Pitale	Yes
Glenn Smith	Yes
Joel Spiegel	Yes
Dave Cappuccio	Yes
John LaPollo	Yes
Ben Pagano	Yes
Michael Veneziano	Yes
Claude Jones	Yes
Michael Sutts	Yes

OTHER BUSINESS:

Mr. Coombs commented on Folsom Elementary School Pole Barn project. The Construction project for the pole barn at the elementary school did not need Approval from the Board. There were exemptions for schools from any fees and from any Change of Use Variances.

As example, the school was approved for school activities. A summer camp or before/after care did not require Board Approvals. The schools attorney indicated the school was completely exempt from having to obtain any Variances for a pole barn and sent a letter with case law which compelled from 1989 Copel Murnick Decision from North Jersey. It was broad and didn't specifically deal with accessory structures. The school would submit an informational / informal review.

#1 Requirement – The State Board Of Education approve the project.

#2 Requirement – Any recommendations needed to be presented to the State Board Of Education. They were Recommendations not Condition and could not be imposed.

The school would not need Variance Approval from the Board because they were exempt. The Murnick Decision stated the State Board of Education prompts the New Jersey Municipal Land Use Law with regards to buildings and structures. The school will obtain the Building Permit and will give the Board a courtesy hearing of what they will do and the Board can make some Recommendations. The Application for Solar Panels at the school was reviewed because it was the solar contractor making application and not the School Board.

There was no other business for the Board.

The next scheduled meeting is July 19, 2017 at 7:00 pm.

The meeting was adjourned at 8:35 pm.

Respectfully submitted,

Susan Carroll; Board Secretary