



**BOROUGH OF FOLSOM
PLANNING/ZONING
BOARD OF ADJUSTMENTS
MINUTES
June 16, 2021**

The meeting was called to order by the Board Secretary at 6:58 PM.

SALUTE TO THE FLAG

NOMINATION OF SUBSTITUTE CHAIRMAN

The Solicitor explained the process to elect a Substitute Chairman and asked for the nomination of a Class IV Board Member for the position of Substitute Chairman for this meeting.

A Motion was made for the nomination of Mr. Sutts for Substitute Chairman by Mr. Veneziani and seconded by Mr. Cappuccio. A roll call vote was taken with ayes all and one nay.

Greg Schenker	Yes
Jim Hoffman	Yes
Dave Cappuccio	Yes
Mike Veneziani	Yes
Michael Sutts	No
Leslie Roberson	Yes

Mr. Sutts took the Chairman's seat.

OATH

The Solicitor gave the Oath to Leslie Roberson and Board welcomed Ms. Roberson as its newest member.

The Substitute Chairman conducted the meeting.

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 Hammononton Gazette and Atlantic City Press and is posted on the bulletin board showing the time and place for the meeting.

ROLL CALL:

Members Present: Mayor Greg Schenker, Jim Hoffman, Dave Cappuccio, Michael Veneziani, Michael Sutts, Leslie Roberson

Members Absent: Joe Pino, Glenn Smith, Joel Spiegel

Others Present: Solicitor: Carol N. Goloff, Esquire
Board Engineer: Jen Heller for Vince Polistina, PE, PP
Board Secretary: Susan Carroll

The resignation of Jim Whittaker was read into record. Mr. Whittaker resigned due to his recent appointment as Council Member for the Borough of Folsom.

APPROVAL OF MINUTES:

A motion was made by Mr. Hoffman and seconded by Mr. Cappuccio to approve the minutes of January 20, 2021. There was a roll call vote with 4 ayes and 2 abstentions.

Greg Schenker	Abstain
Jim Hoffman	Yes
Dave Cappuccio	Yes
Mike Veneziani	Yes
Michael Sutts	Yes
Leslie Roberson	Abstain

APPLICATION 01-PB-2021:

Lorraine Smith, of 1514 Mays Landing Rd. known as Block 1502 Lot 2 and located in the Village Residential (VR) Zone; and Briana, LLC of 1520 Mays Landing Rd. known as Block 1502 – Lot 30, located in the Forest 20 (F-20) Zone seeking a re-alignment of property lines and Variance for Lot Coverage.

Mr. Mike Malinsky of Fox Rothschild, attorney representing the Applicant presented the Application to the Board. The Application was for a simple minor subdivision for the realignment of lot lines to eliminate existing access and parking easements for an access driveway and parking.

There was an existing easement for an access driveway on Mrs. Smith's property. The driveway allowed access from Mays Landing Rd. to Briana, LLC which was located behind Mrs. Smith's the residential dwelling. The lot line would be moved to the other side of the access driveway. Mrs. Smith's property line would end before and along the line of the driveway. The re-location of the lot line would eliminate the existing driveway easement.

Briana LLC, had a parking easement. There was parking in the rear of Mrs. Smith property on both Lot 30 (Briana) and Lot 2 (Mrs. Smith). The lot line would be moved so there is no more

parking on Mrs. Smith's property and also be moved so that certain trailers and sheds that go over the property line will now be on Mrs. Smith's property.

There was a parking and access easement Lorraine Smith gave to Briana, LLC without favor for them to have access through the asphalt drive to their property and to park vehicles on Briana's property. There will no longer be entering or parking on Mrs. Smith property. They will be accessing through their entrance property. The parking and the access, if Approved, will be on the Briana property.

They were not creating any new lot lines and there would not be any new development.

CHECKLIST WAIVERS

The applicant requested Checklist Waivers:

Item #20 – Wooded areas indicating predominant species & size.

Item #21 – Locations of trees 6 inches in size or greater.

Item #27 – Location of existing wells and septic systems.

There were no questions from the Board for the Applicants Attorney.

VARIANCES

The Applicant requested 3 Variances:

Section 200 – Table I – Lot Coverage – VR Zone – To allow lot coverage on Lot 2 of 39.4% where 20% was permitted. Currently the lot coverage on Lot 2 was 37.8%. The Applicant was increasing the existing lot by 1.6%.

Section 200 – Table I – Lot Coverage – F-20 Zone - To decrease the lot coverage on Lot 30 from 22.9% to 22.7% where the required was 3%. It reduced a non-conformity.

The Applicant was decreasing the coverage on Lot 30 and increasing lot coverage on Lot 2.

Section 200 Table I – Front Yard Setback – F-20 Zone – For a front setback of 57 feet on Lot 30 where 200 feet were required. The current existing setback was 44.3 feet for Lot 30. The realignment of lot lines will increase the front setback from 44.3 feet to 57 feet.

The Board deemed David Scheidegg of Schaeffer Nassar Scheidegg Consulting Engineer as an expert in his field.

Mr. Scheidegg explained no new lots were being created and no new development was proposed. The Applicant was moving the lot line to coincide with the existing fence line and so the commercial use on the property will be associated and owned by the commercial use and some of the residential use will now be owned by the residential.

The Applicant, Lorraine Smith was the owner of lot 2 at 1514 Mays landing Road. Her lot was currently 3.913 acres and will be 3.819 acres. There was difference of 0.093 acres or 4,090.16

Sq. Ft. Lot 30 (Briana LLC) would be increased by the same amount from 34.22 to 34.314 (acres). There will be an increase in impervious area on Lot 2 of 1.6% and a decrease in impervious area for Lot 30.

The setback for the office building was currently 44.3 ft. When the lot lines are re-aligned, the office building will be 57 ft. from the front lot. The re-alignment of lot lines will convey the driveway that goes down to Mays Landing Rd., currently on residential Lot 2, and proposed to become part of the commercial Lot 30 will go out to Mays Landing Rd. in the very northeast portion of the property. The frontage, the office building will have 365 ft. of frontage where the minimum required was 200 ft.

Mr. Scheidegg had a hand out. It was market Exhibit A-1. He hoped it would clarify lands being moved and why. Exhibit A-1 was distributed to the Board members. It was the reduced copy of the Site Plan and had the lands being moved highlighted. There were 2 areas highlighted yellow and one area highlighted pink. The yellow areas were being conveyed from Mrs. Smith to Briana, LLC. The pink highlighted areas were being conveyed from Briana, LLC to Mrs. Smith.

The yellow area on the Exhibit included the paved driveway from Mays Landing Rd. and a parking lot area which serviced the office building on lot 30. These areas had an existing access easement from Mrs. Smith who owned Residential Lot 2. It didn't make sense to have commercial people driving over a residential lot. There was another highlighted yellow. It was an area around the gas pumps on land owned by Residential Lot 2. It was used as part of the commercial lot and was used to access the fuel pumps located there. It will be conveyed to (Lot 30 the Briana, LLC) and make it this even commercial use / lot. It corresponded with the existing fence.

The area highlighted pink in Exhibit A-1 was the back yard of lot 2. It was a residential back yard with a fence and acted as a back yard. It had sheds in it and was technically owned by lot 30 (Briana, LLC). That part of lot 30 would be conveyed to lot 2 so that the back yard lined up with the (Residential) property.

There would be no change in the way the properties operated. There would be no change in use, and no residential or commercial development. The amount of area being traded one for the other was 4, 096.4 sq. ft. The commercial will stay with the commercial and the residential will stay with the residential. It would eliminate the easements which could be an issue in the future. Pinelands Commission reviewed the project and a Certificate of Filing was issued.

There was an access easement proposed on the plan (south easterly side of the residential home). It allowed the existing commercial drive way from Mays Landing Rd. to remain and also provided access to the rear part of the residential home. The access granted Lorraine Smith the right to access the rear of her property where the sheds and storage trailers were. The easement had a limited time frame to the life of Lorraine Smith. As a condition of the application, the easement would now become an easement in perpetuity. It would just not be during the life of Lorraine Smith.

At one time the property was a family affair, homestead, and their business. It has been since separated and those physical features we have to (inaudible) believed the board can act on the variances in light of the physical features. It also lends itself to ordinary and exceptional circumstances and exceptional practical undue hardship. If the Application is not granted, the property would continue act and function the way it does now except they would have to deal with who got driveways whose property was residential. The purposes of the Land Use Law would be advanced by the deviation from the Ordinance requirements and the benefits of the deviations would substantially outweigh any detriments and will not impair the intent and purposes of the Master Plan and the Zoning for it.

The meeting was open to the public. No one from the public was present. There were no comments from the public. The public portion was closed.

There were no questions from the Board.

A Motion was made by Mr. Hoffman and seconded by Mayor Schenker to Approve the Application with Waivers and Variances.

There were no comments from the Board Engineer. The Board Engineer's Report would be incorporated into the Resolution.

A roll call vote was taken with ayes all.

Greg Schenker	Yes
Jim Hoffman	Yes
Dave Cappuccio	Yes
Mike Veneziani	Yes
Michael Sutts	Yes
Leslie Roberson	Yes

ENGINEERS REPORT:

Vincent J. Polistina, PE, PP, CME
 Craig R. Hurless, PE, PP, CME
 Ronald N. Curcio, PE, PP




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

MEMORANDUM

DATE: June 11, 2021

TO: Planning / Zoning Board of Adjustment
 Borough of Folsom

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

RE: Lorraine Smith & Brianna, LLC
 Application No. 01-PB-21
 PA No. 4021.01

LOCATION: 1512 & 1514 Mays Landing Road
 Block 1502, Lots 2 & 30

STATUS: Minor Subdivision (Lot Line Adjustment)

EXISTING USE: Single Family Dwelling, Commercial Construction
 Business & Agriculture

PROPOSED USE: Single Family Dwelling, Commercial Construction
 Business & Agriculture

JURISDICTIONAL AREA: Pinelands

The materials submitted and subject to review are as follows:

NO.	TITLE	PREPARED BY	DATE	REVISION
	Application Materials	Applicant	3-18-19	
1 of 1	Minor Subdivision Plan	SNS Engineers, LLC	3-18-19	2-18-21
	Certificate of Filing	Pinelands Commission	3-8-21	
	Deed (Lot 2)	Frank Olivo, Esq.	12-18-15	
	Deed (Lot 30)	Frank Olivo, Esq.	12-18-15	
	Deed of Easement for Access	Frank Olivo, Esq.	12-18-15	
	Deed of Easement for Access and Use for Parking	Frank Olivo, Esq.	8-17-12	

DESCRIPTION: The Applicant, Lorraine Smith and Brianna, LLC, have submitted an application requesting minor subdivision approval for a lot line adjustment for the common lot lines of Lots 2 and 30 in Block 1502. The subject lots were part of a minor subdivision approved by the Borough in 2014. The Applicant received a certificate

6684 Washington Avenue, Egg Harbor Township, NJ 08234
 55 E. Jimmie Leeds Road, Galloway, NJ 08205
 Phone: 609.646.2950 Fax: 609.646.2949
 www.polistina.net

of non-conforming use for the existing improvements on the lots.

Existing Lot 2 contains an existing single-family dwelling and accessory structures. Existing Lot 30 contains an existing construction business with multiple frame buildings.

The purpose of the lot line adjustment is to eliminate the access and parking easement on Lot 2 utilized by Lot 30 and to eliminate the encroachment of several accessory structures on both lots. The existing access easement on Lot 30 in favor of Lot 2 will remain.

The Applicant is seeking minor subdivision approval with variances for lot coverage and setbacks to the existing improvements on the subject property. No development is proposed with this application.

COMPLETENESS REVIEW:

This application has been reviewed using the Borough's checklist for use ("C") variances. The following items must be provided or a waiver must be requested:

Item 20 – Wooded areas indicating pre-dominate species and size. **The Applicant has requested a waiver.**

Item 21 - Location of trees six 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 23 – All areas to be disturbed by grading and construction. **The Applicant has requested a waiver.**

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

This office recommends that the application for be deemed complete and may proceed to the Board for review.

ZONING REQUIREMENTS: The property is located in the VR Village Residential and the F-20 Forest Area zoning district. Detached single-family dwellings are permitted uses in the VR

zoning district. A certificate of existing non-conforming use was granted by the Board in 2019 for the existing uses on the lots.

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

VR Village Residential				
Standard	Required	Existing Lot 2	Proposed Lot 2	Status
Use	Per §200-18.A	Single-Family Dwelling & Accessory Structures	Single-Family Dwelling & Accessory Structures	Conforming
Lot Area	2 acres	3.913 acres	3.819 acres	Conforming
Lot Width	135 feet	341.49 feet	3341.49 feet	Conforming
Lot Depth	200 feet	330.25 feet	330.25 feet	Conforming
Front Yard Setback	75 ft	150.1 feet	150.1 feet	Conforming
Side Yard Setback	25 ft	110.9 feet	123.7 feet	Conforming
Rear Yard Setback	75 ft	144.3 feet	570.9 feet	Conforming
Coverage	20%	37.8%	39.4%	Non-Conforming

ENC = Existing Non-Conforming

F-20 Forest Area				
Standard	Required	Existing Lot 30	Proposed Lot 30	Status
Use	Per §200-15.A	Commercial Business	Commercial Business	Conforming
Lot Area	20 acres	34.220 acres	34.314 acres	Conforming
Lot Width	300 feet	1,305 feet	1,305 feet	Conforming
Lot Depth	500 feet	826.90 feet	1,130.48 feet	Conforming
Front Yard Setback	200 ft	44.3 feet	57 feet	Non-Conforming
Side Yard Setback	75 ft	27 feet	27 feet	ENC
Rear Yard Setback	100 ft	386.2 feet	386.2 feet	Conforming
Coverage	3%	22.9%	22.7%	Non-Conforming

ENC = Existing Non-Conforming

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

VARIANCES:

1. **Section 200a Table I - Maximum Lot Coverage.** In accordance with §200a Table I, the maximum lot coverage permitted in the VR Village Residential zoning district is 20%. Lot 2 has an existing non-conforming lot coverage of 37.8%. The Applicant is proposing a lot line adjustment which will result in an increased lot coverage on Lot 2. The proposed lot coverage on Lot 2 will be 39.4% where a maximum lot coverage of 20% is permitted. A variance has been requested.
2. **Section 200a Table I - Front Yard Setback.** In accordance with §200a Table I, the minimum front yard setback required in the F-20 Forest Area zoning district is 200 feet. The existing building on Lot 30 has an existing non-conforming setback of 44.3 feet. The Applicant is proposing a lot line adjustment which will result in a front yard setback of 57 feet, where a minimum of 200 feet is required. The existing non-conforming setback condition has been slightly improved by the lot line adjustment. A variance is required.

3. **Section 200a Table I - Maximum Lot Coverage.** In accordance with §200a Table I, the maximum lot coverage permitted in the F-20 Forest Area zoning district is 3%. The existing lot coverage on Lot 30 is 22.9%. The Applicant is proposing a lot line adjustment which will result in a lot coverage of 22.7% on Lot 30 where a maximum lot coverage of 3% is permitted. A variance is required.

The Applicant requests that the Board grant deviation from the bulk requirements pursuant to 40:55D-70(c). In requesting the variance, the Applicant must show by (1);(a) reason of exceptional narrowness, shallowness or shape of the property, or (b) by reason of exceptional topographical conditions or physical features or (c) that there are extraordinary or exceptional circumstances, or that the strict enforcement of the regulations would result in exceptional practical difficulties or undue hardship. Or by (2), the developer must demonstrate where in an application for a specific piece of property, the purposes of the Municipal Land Use Law would be advanced by a deviation from the zoning ordinance requirements and the benefits of the deviation would substantially outweigh any detriments and will not impair the intent and purpose of the zone plan and zoning ordinance.

REVIEW COMMENTS:

1. The Applicant has indicated that no development is proposed as part of this minor subdivision.
2. The Applicant provide evidence of filing the minor subdivision plan or the deed of minor subdivision as a condition of any approval granted by the Board.
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.

Other Business:

Jen Heller of Polistina and Associates commented on the Cannabis Regulation Ordinance. Since the Council Meeting was cancelled the night before, there was no Ordinance to refer to the Planning Board. The Cannabis Ordinance will be referred to the Planning Board for consistency with the Master Plan next month.

Board Members were reminded to complete the Financial Disclosures.

Leslie Roberson was welcomed to the Board.

There was no other business for the Board.

The next scheduled meeting is July 21, 2021 at 7:21 pm. All in favor.

Respectfully Submitted,

Susan Carroll,
Board Secretary