

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

July 15, 2015

The meeting was called to order at: 7:17 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 Hammonton Gazette and Atlantic City Press and is posted on the bulletin board showing the time and place for the meeting.

MEMBERS PRESENT: Charles Pitale, Joe Pino, Glen Smith, Ron Esposito, John LaPollo, Lou DeStefano, Ben Pagano, Michael Veneziano, and Edward Malec

ABSENT: Joel Spiegel, Dave Cappuccio

OTHERS PRESENT: Solicitor: Jorge F. Coombs, Esq.
Vince Polistina, PE, PP, Engineer
Secretary: Susan Carroll

APPROVAL OF MINUTES:

A motion was made by Mr. Esposito and seconded by Mr. Pino to approve the minutes of May 20, 2015. There was a roll call vote with ayes all and three abstention by Mr. Smith, Mr. LaPollo, and Mr. DeStefano.

DECISION RESOLUTION:

Application# 02-ZB-15 – Applicants Wayne & Karen Sweeten, 2239 Coles Mill Road, Franklinville, N. J. 08322 are requesting a Change of Use for Block 2716 – Lots 812, 813, 814, 815, & 826 located at 215 Black Horse Pike in Folsom and owned by JJP Properties, LLC. The present Use is: Business engaged in renting & selling of construction equipment. The proposed use will be for: Auto repair which includes automotive fabrication and installation and retail sale of auto parts. The vote for the Resolution was put off until the next meeting because of escrow.

DECISION RESOLUTION: BETTY POLLOCK

Application # 04-ZB-15 – Betty Pollock, 1 Pine Lane, Williamstown, N.J. 08094 is seeking a C Variance for a side yard setback to build an attached garage to her house at Block 2619 – Lot 571 – 1 Pine Lane, Williamstown. The property is located in the RD Rural Development Zone. The vote for the Resolution was put off to a later date.

APPLICATION: FERRIS ASSOCIATES

Application # 06-ZB-14 – Linda Bloomfield, 111 N. Ocean Ave., Seaside Park, N. J. is seeking to renew a permit for resource extraction for the Ferris Associates properties – Block 1101 – Lots 3, 4, & 5; Block 2004 – Lots 3, 5; and Block 2201 – Lot 4. The parcels are located along 13th Street on both sides of 4th Rd. in the Borough of Folsom.

The Application was tabled to the July 15, 2015 meeting. It was tabled at the March meeting and continued at the April meeting and again at the May meeting and is now tabled at the June meeting.

Mr. Pagano recused himself.

Mr. DeStefano gave an update. The Ferris issue was discussed in Executive Session with Mayor and Council. It was turned over to the Boroughs Solicitor and he will give the Borough a recommendation for the August Council Meeting. At that time the Planning board will be notified as to what Mayor and Council decides.

Mr. Coombs gave a report. The applicants Attorney is investigating with the Borough Clerk. They are looking at old records with regards to the vacation of 4th Road and request the Application be carried over to the next (August) meeting without the need for the Applicant to further notice. He requested a Motion for the Applicant not to re-notice.

Mr. Polistina suggested the Ferris Application should need to re-notice. Ferris has gone back and forth. They are researching it now. The Application has been carried several times. It has gone on for many months. Since there was uncertainty and did not know what the Resolution or Decision by Mayor and Council will be, it was suggested the Applicant re-notice. Rather than having the public come here every time, every month to hear the Application is tabled again, it would be more appropriate at this point, to tell the Applicant to re-notice the public within 200 ft. because it has gone on for to many months and it keeps being carried. They wouldn't have to begin the Application process again, but they would need to re-notice everyone again when they actually have a tentative date if they get to the point where they actually have a hearing.

A Motion was made by Mr. Smith and seconded by Mr. DeStefano to have the Ferris Application re-notice the public when they have a definitive date and cause to come back and further their Application before the Planning/Zoning Board. A roll call vote was taken with Ayes all and one Abstention.

APPLICATION: IBEW LOCAL UNION 351

Application 05-ZB-15 – IBEW Local Union 351, 1113 Black Horse Pike, is seeking a Minor Subdivision for a 2 lot subdivision at Block 3201 – Lots 11 & 12. Lot 11 is located in the Forest Commercial-Sending and Lot 12 is located in Forest Commercial-Receiving. The new lot will be retained for future use.

Mr. Coombs swore in Steven Duda an associate with Dixon Associates. He indicated he was available to answer any questions for the application. The purpose of the subdivision initially was to be a financier for when they wanted to take in the amount of land which was required for the previous development for the IBEW training school. The section of land was carved out because the rest of the tract for the IBEW was required for nitrate dilution. Initially the IBEW was going to sell the parcel, but they do not know what they are going to do with it right now. For now it will be set aside. It will either be sold or kept.

It would be deed restricted from development and someone could buy it for nitrate dilution for a separate property. The property is the appropriate size for development. It has all of the bulk standards, but there is no development proposed.

There is no time period/limit for the deed restriction. It is one of the new requirements from Pinelands.

The new lot is not needed for the IBEW nitrate dilution. The area remaining in the lot is of sufficient size for the IBEW.

The purpose of the subdivision was not to sell the newly created lot.

Mr. Coombs swore in Joe Knecht a Representative of IBEW. He explained the smaller lot in the minor subdivision is a requirement of the Pinelands. There is no intention to sell it. The reason for asking for the subdivision is because there are 3 entities. The IBEW International Brotherhood of Electric Workers, the NECA National Electric Contractors Association which is labor and management, and the two associations form the third – the JACT Joint Apprenticeship Training. The building is Joint Apprenticeship Training. The Department of Labor requires them to be careful of a prohibited transaction because they have two entities supporting the third. The owner of the lot cannot be one of the other two entities. It must be the JACT. They were trying to comply with a lot of different laws involved, but there is no intention of selling any property. The minor subdivision is something required by Pinelands. This was 22 acres and they requested 3.7 acres be set aside for nitrate dilution.

The 3.7 acres is not needed for anything for 19 acre lot. The parcel was two lots at one point. It was made one lot and now it will be two lots again.

Mr. Coombs questioned how the applicant's entities were formed because there is a requirement which multiple member LLC's and corporations be represented by an attorney in coming for applications. The entity was formed through a Partnership. The New Jersey Zoning & Land Use Administration Book which incites New Jersey court rules prohibits entities from appearing except when represented by an attorney and makes an exception for Sole Proprietorships – Rule 1:21-1c. He offered to proceed with the Application as an Informal Review and continue to explain what the Application is for, but procedurally if it is an entity, corporation or a multi-member LLC the court rules require you to be represented by an attorney. There are Quasi-Judicial procedures and the Board operates similarly like this.

The Application was tabled to the August 19, 2015 Planning/Zoning Board meeting.

OTHER BUSINESS:

Ben Pagano of 2201 14th Street spoke as a resident asked to clarify where the Ferris Associated Application. In the approved minutes of last month's meeting, Mr. Pino asked for a Motion and received it recommending the Board move the Ferris Application on to the governing body, the council, and no action be taken until they hear back from the governing Body. The Board confirmed once the governing body has their decision they will get back to us.

There was no other business for the Board.

The next scheduled meeting will be August 19, 2015 at 7:00 pm.
Meeting adjourned at 7:39 pm.

Respectfully submitted,

Susan Carroll
Board Secretary