



**BOROUGH OF FOLSOM  
PLANNING/ZONING  
BOARD OF ADJUSTMENTS  
MINUTES  
August 18, 2021**

The meeting was called to order at 7:00 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.

**ROLL CALL:**

**Members Present:** Glenn Smith, Joel Spiegel, Jim Hoffman, Dave Cappuccio, Michael Veneziani, Michael Sutts, Leslie Roberson

**Members Absent:** Joe Pino, Mayor Schenker

**Others Present:**

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

**APPROVAL OF MINUTES:**

A motion was made by Mr. Cappuccio and seconded by Mr. Spiegel to approve the minutes of July 21, 2021. There was a roll call vote with ayes all and one abstention.

Glenn Smith	Yes
Joel Spiegel	Yes
Jim Hoffman	Abstain
Dave Cappuccio	Yes
Michael Veneziani	Yes
Michael Sutts	Yes
Leslie Roberson	Yes

**RESOLUTION 2021-6:** : Tom Puentes, 1321 Folsom, LLC, 400 W. 15<sup>th</sup> Street, Hammonton, N. J. seeking a Preliminary & Final Subdivision, and Variance(s), at 1321 Mays Landing Rd. also known as Block 701 – Lot 13 on the Official Tax Map of the Borough of Folsom and is located in the Village Residential Zoning District.

Solicitor Goloff asked for the Board to hold off on the Motion for the Resolution until the end of the meeting. She received a call from the Applicants Attorney during the day. He wanted to see a draft of the Resolution. This was common and acceptable. It was sent to the Attorney in the morning in word version and he was going to suggest some alternate language which was very common. Solicitor Goloff did not hear back from the Attorney and wanted to give Mr. Nehmad some time because if the Resolution was Adopted there might be a legitimate concern; and if the Board didn't Adopt the Resolution, it might hold up the Applicants plans.

**RESOLUTION 2021-7:** A Resolution to deem the proposed Borough Ordinance 09-2021, concerning the limitations on the six marketplace classes of licensed cannabis business, acceptable by the Planning Board.

A Motion was made by Ms. Roberson and seconded by Mr. Cappuccio to Adopt Resolution 2021-7. A roll call vote was taken with ayes all and one abstention.

Glenn Smith	Yes
Joel Spiegel	Yes
Jim Hoffman	Abstain
Dave Cappuccio	Yes
Michael Veneziani	Yes
Michael Sutts	Yes
Leslie Roberson	Yes

**APPLICATION 03-ZB-2021:** Shauna Schneeman, 245 E. Collings Dr. – Block 2704 – Lots 727, 728, & 729 seeking Variances to place a Pole Barn on Lot 729. The parcel is located in the Rural Development Zone.

Solicitor Goloff swore in Shauna Schneeman. She did not have an expert engineer or attorney. Solicitor Goloff explained the Application law and the type of Notice which needed to be published and was not sure the advertisement was Adequate. She asked the Board to listen carefully so they will know how to vote about whether they believe the Notice was adequate or not.

The notice contained the wording ...for a Use Variance and any and all Variances or Waivers deemed necessary... The Applicant proposed to place an Accessory Structure (pole barn) on a vacant lot. A Use Variance would have been required.

The Applicant proposed to consolidate the vacant lot with the lot that her house was on. The lot would no longer be a vacant lot. A Use Variance (D Variance) would no longer be needed because the Accessory Structure would no longer be on a vacant lot, but on a lot with a principle structure. If the Applicant consolidated the lots a Bulk Variance (C Variance) would be required.

The Solicitor explained the Applicant had a lot of rights as a property owner and an absolute right to come before the Board and ask for exceptions such as Variances and Waivers because her property might be in a certain condition that strict compliance with the law was impossible or

not feasible. Variances were frequently granted, not always, but frequently. The public, especially the residents around the property and all over Folsom had a right to know what was being requested and if the same thing would be granted if they came to the Board.

There was a law called the Common Sense Rule. The law states the Notice which was required, had to be such that a lay person, not a lawyer or engineer, would understand what was being requested. The Applicants Notice asked for a Use Variance and any other Variances which were appropriate. The law specifically stated it was not enough in certain situations. The language is okay when an Applicant / Professionals weren't able to know what situations might arise during discussions. The comment on the law stated: while it was not essential that every Variance that might be required be mentioned in the notice an applicant should be very careful to include all of those that would call the public's attention to particular and substantial impact that the project would have on the community. Thus, for example, if a bulk variance was required to locate a building within a side yard, and the application also required a height Variance, both of the Variances should be mentioned in the Notice.

Solicitor Goloff knew deeds had been made and asked the Applicant if it was her intention to consolidate the three undersized lots and if she was willing to accept the consolidation of the lots as a Condition to the Approval. The Applicant explained it was already done. The lawyers in Hammonton had the deeds completed. The Applicant needed to pick it up and bring to Mays Landing to be Recorded. She needed to sign it, notarize it, and bring it to be recorded. She explained she waited to complete the process. She could have completed it last week, but wasn't sure with the type of Variance she needed to request and if she would be ruining it by doing it early or if she should have done it already. The Applicant didn't know what type of Variance she was asking for.

Solicitor Goloff explained when the Use Variance was requested it was because of where the lot lines were. A pole barn was called an Accessory Use. It was not the Principle Use permitted in the Zone. The house was (the principle Use). If the two lot lines were not removed and the 3 lots joined, a Use Variance would be needed.

The Applicant explained she didn't actually write the newspaper (ad). She explained she didn't know what she was doing. Solicitor Goloff was understanding. The Public was not put on Notice for the Bulk (C) Variance(s) if the lots would be consolidated. Ms. Schneeman explained, she could go to the lawyers and complete the consolidation tomorrow. She would like to do that with her lots anyway.

Solicitor Goloff step off of the dais to take a phone call from Mr. Nehmad.

The Board Engineer's Representative, Jen Heller, explained the issue. When the Noticing was done, it was to let the neighbors and adjacent property owners know there would be a deviation from what was permitted. The Variances on the Application were front yard setback which was in the Notice. It was also located in the side yard setback. In this District (RD) a building this size (30' x 30') had to be 30' from the property line. It also needed a Height Variance because 15 feet was the maximum and the building would be 19 feet. These Variances are granted, but the neighbors need to be told this. Also a Lot Coverage Variances was needed because there was

too much impervious surface on a lot this sized. The District (RD) was a 5 ½ acre District and the Applicant had less than an acre. All of the lots in Collings Lakes were all non-conforming and the lot coverage was greater than 10%. The neighbors needed to know what the Applicant was doing because it deviates from what was permitted.

Solicitor Goloff returned to the dais.

The Notice was for a Use Variance with the front yard setback. It did alert the Public that there was an issue. The Board needed to decide if the public had adequate notice. A lay person had adequate notice of the essence of the application was. The plans were on file. It was mentioned in the Notice “to construct a 30’ x 30’ x 19’ pole barn for Residential Use. The pole barn would be located in the front yard setback which required a Use Variance. The Applicant respectfully request the Notice encumber any and all other Variances or Waivers that may be deemed necessary. The Solicitor’s concern was the lot consolidation. It was now mentioned it will be in the front yard (setback) now goes to Bulk (Variances) as long as the lots were consolidated. It will be required to consolidate the lots. It was the Condition that would be placed.

The Board questioned what was sent to the people. Solicitor Goloff read the Notice into Record. “Take notice that the undersigned has filed an application with Folsom Zoning Board of Adjustment for *Use Variance* (which won’t be necessary if the lots were consolidated) and any other Variances or Waivers deemed necessary by the Board (which was not appropriate language). The pole barn will be located in the front yard setback which requires a Use Variance. The Applicant respectfully request the Notice encumber any other Variances or Waivers that might be deemed necessary”.

The Board commented, the Applicant actually put the people on Notice that there was an issue with the way it was worded. Solicitor advised, the law and commentary she read came out of cases. In 1979 there was a lot of commotion about how much notice the public needed because some development involving the K-Mart tried to hide things in generalized wording. There were a lot of Law Suites then about what needed to be put, how specific, and how long the notices needed to be. The law says if you know you are going to need it. A professional would have known what to put in the Notice. It was up to the Board as members of the community to decide whether or not with the plans that were seen and the Notice which was read, whether or not people in this neighborhood and Folsom at large, would have known it was something unusual and actually go to the meeting or stop by city hall and look at the map (Application).

The Applicant confirmed the notices were hand delivered door to door because her neighbors were friendly. The Board commented they all (the neighbors) signed them (the notices) that they received them. Ms. Heller added if there were a question about it, there was the opportunity to clarify it, rather than just somebody picking up a certified letter. The Applicant noted she had the opportunity to talk to all of her neighbors.

A Motion was made by Mr. Spiegel and seconded by Mr. Sutts to deem the Notice adequate and to move forward with the Application. There was no discussion on the Motion. A roll call vote was taken with ayes all.

Glenn Smith	Yes
Joel Spiegel	Yes
Dave Cappuccio	Yes
Michael Veneziani	Yes
Michael Sutts	Yes
Leslie Roberson	Yes

ENGINEERS REPORT:

Vincent J. Polistina, PE, PP, CME  
 Craig R. Hurlless, 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:** August 16, 2021

**TO:** Planning / Zoning Board of Adjustment  
 Borough of Folsom

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

**RE:** Shauna Schneeman  
 Application No. 03-ZB-21  
 PA No. 4121.03

**LOCATION:** 245 E. Collings Drive  
 Block 2704, Lots 727, 728 & 729

**STATUS:** C Variances

**EXISTING USE:** Single Family Residential

**PROPOSED USE:** Proposed Pole Barn Building

**JURISDICTIONAL AREA:** Pinelands

The materials submitted and subject to review are as follows:

NO.	TITLE	PREPARED BY	DATE	REVISION
	Application Materials	Applicant	7-12-21	
1 of 1	Survey of Property	V&I Associates	5-25-21	7-1-21
	Zoning Permit – Denial	Borough of Folsom	6-14-21	
	Site Photograph	Applicant	7-12-21	
4 of 4	Pole Barn Elevations	Fetterville Sales	No date	

**DESCRIPTION:** The Applicant, Shauna Schneeman, has submitted an application requesting variance relief to allow the construction a 30-foot by 30-foot pole barn with a 10 foot lean-to attached on Lots 727, 728 and 729 in Block 2704. The subject property is also known as 245 E. Collings Drive and is located within the Borough's RD zoning district. The subject property consists of a total of 0.82 acres and contains an existing single-family dwelling, a car port and a frame shed.

The Applicant is proposing to construct a pole barn accessory structure on the site. The accessory structure

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

will be located within the front yard setback and will not meet the required minimum front yard or side yard setbacks for the RD zoning district. Variances are also required for the proposed accessory structure height and the lot coverage.

**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.*

Item 20 - *Wooded areas indicating predominant species and size. The Applicant shall indicate if any existing trees are being removed.*

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 shall indicate if any existing trees are being removed.*

**The Applicant shall provide the information listed above or request a waiver. This office recommends that this application be deemed conditionally complete and may proceed to the Board for review.**

**ZONING REQUIREMENTS:**

The property is located in the RD Rural Development zoning district. Detached single-family dwellings are a permitted use in this district, as outlined in Section 200-17 of the Borough's ordinance. Accessory structures are permitted in accordance with Section 200-21.

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

RD Rural Development Zoning District				
Standard	Required	Existing	Proposed	Status
Lot Area	5.5 acres	0.82 acres	0.82 acres	ENC
Lot Width	150 feet	>150 feet	>150 feet	Conforming
Lot Depth	200 feet	150 feet	150 feet	ENC
<b>Front Yard Setback</b>				
Principal Structure	75 feet	62.7 feet	62.7 feet	Conforming
Accessory Structure	Not Permitted	--	30 feet	Non-Conforming
<b>Side Yard Setback</b>				
Principal Structure	30 feet	64.8 feet	64.8 feet	Conforming
Accessory Structure	30 feet	--	15 feet	Non-Conforming

ENC = Existing Non-Conforming

I = Information Needed

RD Rural Development Zoning District				
Standard	Required	Existing	Proposed	Status
<b>Side Yard Setback</b>				
Principal Structure	30 feet	64.8 feet	64.8 feet	Conforming
Accessory Structure	30 feet	--	15 feet	Non-Conforming
<b>Rear Yard Setback</b>				
Principal Structure	25 feet	40.9 feet	40.9 feet	ENC
Accessory Structure	25 feet	--	65 feet	Conforming
Principal Building Height	35 feet max.	< 35 feet	< 35 feet	Conforming
Accessory Building Height	15 feet max.	--	19 feet	Non-Conforming
Coverage	10%	I (13%)	I (16%)	Non-Conforming

ENC = Existing Non-Conforming      I = Information Needed

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

**VARIANCES:**

- Section 200-21.A. – Accessory Structure Location (Front Yard Setback)** – In accordance with §200-21.A., an accessory building or a private parking area shall not be located in any required yard space or within the required setback. The minimum front yard setback required in the RD zoning district is 75 feet. The Applicant is proposing to construct an accessory structure which will have a front yard setback of 30 feet. A variance is required.
- Section 200-21.A. – Accessory Structure Location (Side Yard Setback)** – In accordance with §200-21.A., an accessory building or a private parking area shall not be located in any required yard space or within the required setback. The minimum side yard setback required in the RD zoning district is 30 feet. The Applicant is proposing to construct an accessory building which will have a proposed side yard setback of 15 feet. A variance is required.
- Section 200-21.C. – Height and Area of Accessory Building** – Accessory building shall not exceed one story or 15 feet in height and may not occupy more than 20% of a required rear yard or 900 square feet, whichever is smaller. The Applicant is proposing to construct a 900 square foot pole barn accessory structure on the subject lot. The proposed pole barn structure will have a height of 19 feet whereas a maximum height of 15 feet is permitted. A variance is required.
- Section 200-17 – Maximum Lot Coverage** – The maximum lot coverage permitted in the RD zoning district is 10%. The lot has an existing non-conforming lot coverage of approximately 13%. The Applicant is proposing to construct a 30-foot by 30-foot pole barn with a 10-foot by 30-foot lean-to attached. The Applicant is proposing a lot coverage of approximately 16%, whereas a maximum lot coverage of 10% is permitted. A variance is required.

**REVIEW COMMENTS:**

- The Applicant is proposing to locate the proposed pole barn in an area which has existing trees and vegetation. The Applicant shall verify if any vegetation will be removed.



2. The Applicant shall indicate the proposed use of the accessory structure. In accordance with §200-21.B., in no case shall there be more than one main residential building on any lot of record. The Applicant shall confirm that no living space is proposed in the proposed accessory structure.
3. The proposed addition will increase the lot coverage by 900 square feet. The Applicant must address how runoff from the proposed roof will be handled. No runoff may impact the adjacent properties. The proposed pole barn shall have roof drains that direct runoff away from the adjacent property.
4. The Applicant shall indicate if a driveway will be installed to the pole barn structure. If a driveway is proposed, the location and materials shall be indicated on the plan. The location of the proposed driveway must be indicated on the plan and a driveway apron must be provided.
5. The Applicant shall consolidate the three lots, Lots 727, 728 and 729, into one lot as a condition of any approval grantee by the Board. Evidence of lot consolidation shall be provided.
6. The Applicant will be required to obtain all necessary building permits for the proposed addition.
7. This application is subject to the approval of any other agency having jurisdiction on this project.

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

Ms. Schneeman addressed comments in the Engineers Report. The pole barn will be used for storage needs. Ms. Heller questioned if anyone would be living in the pole barn and if the electric would be connected. Ms. Schneeman did not have plans currently. She planned to put the pole barn up and maybe a couple years from now add electricity. It would not be converted to a residence.

Ms. Heller noted the location of the pole barn was 15' from the side property line and the lot adjacent to it was vacant. Ms. Schneeman did plan to purchase the lot. She explained, the owner of the adjacent lot obtained it in the 1980's and hasn't paid taxes on it since 2013. As soon as it comes up for tax sale she planned on buying it. She tried to reach out to the owner three separate times but hasn't received a response.

Ms. Heller clarified, the pole barn was 30' x 30' with 10' lean to which meant the footprint was 30' x 40'. She asked if a driveway would be put in for access. Ms. Schneeman explained there was no plans for a driveway, but will want one because there will be doors on the front of it. She wanted to locate it in the area shown on the plan so that it would not take up too much of the yard space. Her yard was shaped odd. If she were to put it in the middle of the yard she would lose all access to the side of her yard. She hosted birthday parties for her children and needed the space to do that.

Ms. Heller explained the pole barn would need to be 15' more off of the side line to comply and it would need to 45' more for the front yard setback to comply. The requirement was 75' for the front yard setback, the Applicant proposed 30'. The requirement was 30' for the side yard setback, the Applicant proposed 15'. If the Pole barn were moved back 45 feet, it would be located 25 feet from the back corner and it would need a Variance. If in the future a driveway were to be put in, it would have to be 75' for the driveway. There were no plans to remove the fence. It may be taken down while erecting the pole barn, but it will be put back.

The garage will face toward the road, but the lean to will face toward the house. It will be in the side yard and will not be facing the fence.

Four Variances were needed:

Accessory Structure location for the front yard setback 75' required 30' were proposed.

Accessory Structure location for side yard setback 30' required 15' were proposed.

Accessory Structure height 15' feet allowed and 19' feet requested. It had a loft/attic for storage.

Maximum Lot Coverage – 5 ½ acres were the minimum with 10% impervious coverage were required in the (RD) Zone. The lot was under an acre and the 10% would allow 3700 with the consolidation. The lot coverage will be at about 16% with the new proposed Accessory Structure where 10% was required. They were all Variances which would not have any detriment to the Borough's Master Plan or Zoning Plan and could be granted without any negative impact to the community.

Waivers were requested.

The Applicant requested waivers from providing Contours, Natural and Artificial Water Courses, Wooded Areas, Location of Trees 6' or more, and Location of existing Easements or Rights-of-Way including Power Lines.

Ms. Heller noted there were no Natural & Artificial Water Courses nearby and there were no existing Easements or Rights-of-Ways. The Applicant stated no trees would be cleared.

The Board questioned the height of the pole barn. The plan showed the height of the structure as 19 feet - 8 inches, but the Applicant requested 19 feet. The Applicant responded the pole barn was supposed to be 19 & ¾ feet. The Board made the Height Variance for 20 feet.

There were no other comments or questions from the Board.

A Motion was made by Mr. Veneziani and seconded by Mr. Cappuccio to deem the Application complete.

There was no discussion from the Board.

A roll call was taken with ayes all.

Glenn Smith	Yes
Joel Spiegel	Yes
Dave Cappuccio	Yes
Michael Veneziani	Yes
Michael Sutts	Yes
Leslie Roberson	Yes

The meeting was opened to the public for comment. Hearing no one the public portion was closed.

A Motion was made by Mr. Veneziani and seconded by Mr. Sutts to accept the Application with four Variances, five Waivers, with the Condition the lots are consolidated.

There was discussion on the Motion about the process of consolidating the lots at the County.

A roll call vote was taken with ayes all.

Glenn Smith	Yes
Joel Spiegel	Yes
Dave Cappuccio	Yes
Michael Veneziani	Yes
Michael Sutts	Yes
Leslie Roberson	Yes

**RESOLUTION 2021-6:** : Tom Puentes, 1321 Folsom, LLC, 400 W. 15<sup>th</sup> Street, Hammonton, N. J. seeking a Preliminary & Final Subdivision, and Variance(s), at 1321 Mays Landing Rd.

also known as Block 701 – Lot 13 on the Official Tax Map of the Borough of Folsom and is located in the Village Residential Zoning District.

The Resolution was tabled to the next month's meeting at the request of the Attorney Mr. Nehmad.

It was suggested to communicate to the Zoning Officer that she shouldn't be helping Applicants fill out paperwork.

There was no other business for the Board.

The next scheduled meeting is September 15, 2021 at 7:00 pm.

Meeting adjourned 7:32 pm. All in favor.

Respectfully Submitted,

Susan Carroll,  
Board Secretary