



**BOROUGH OF FOLSOM
PLANNING/ZONING
BOARD OF ADJUSTMENTS
MINUTES
August 21, 2024**

CALL MEETING TO ORDER:

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 is posted on the bulletin board showing the time and place for the meeting.

ROLL CALL: Chairwoman Kristin-Gummoe Lubrano, Vice Chairman Michael Veneziani, Dave Cappuccio, Michael Sutts, Jim Hoffman, Leslie Roberson, Chris Hadulias

Members Absent: Glenn Smith, Catherine DeYoung, John Thomas

Others Present:	Solicitor:	Carol N. Goloff, Esquire; Goloff Law
	Board Engineer:	Jen Heller P.P., A.I.C.P.of Polistina & Associates
	Board Secretary:	Susan Carroll

APPROVAL OF MINUTES:

A motion was made by Mr. Cappuccio and seconded by Mr. Veneziani to approve the Minutes of July 17, 2024. There was a roll call vote with seven ayes.

Kristin Gummoe-Lubrano	Yes
Mike Veneziani	Yes
Dave Cappuccio	Yes
Michael Sutts	Yes
Jim Hoffman	Yes
Leslie Roberson	Yes
Chris Hadulias	Yes

RESOLUTION 2024-7: Ferris Associates seeking to renew a Resource Extraction Permit for the Mining Operation located in the vicinity of Backline Rd., Mays Landing Rd., 13th Street and 4th Rd., Block 1101 – Lots 3, 4, & 5; Block 2004 – Lots 3 & 5, and Block 2201 – Lot 4; and is located in the Forest 20 Zoning District.

A motion was made by Mr. Hoffman and seconded by Mr. Cappuccio to approve Resolution 2024-7. There was a roll call vote with ayes all and Nays – none.

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Kristin Gummoe-Lubrano	Yes
Mike Veneziani	Yes
Dave Cappuccio	Yes
Michael Sutts	Yes
Jim Hoffman	Yes
Leslie Roberson	Yes
Chris Hadulias	Yes

RESOLUTION 2024-8: Lawrence Petrone Jr. seeking Variances to construct a detached garage at 1307 Memory Lane, Block 102 – Lots 16, 17, & 18 and is located in the VR Zoning District.

A motion was made by Mr. Veneziani and seconded by Ms. Roberson to approve Resolution 2024-8. There was a roll call vote with ayes all and Nays – none.

Kristin Gummoe-Lubrano	Yes
Mike Veneziani	Yes
Dave Cappuccio	Yes
Michael Sutts	Yes
Jim Hoffman	Yes
Leslie Roberson	Yes
Chris Hadulias	Yes

APPLICATION 05-ZB-2024: Conflict Application from the Town of Hammonton. Daniel & Kristin Keating, 14 Pleasant Mill Rd., Hammonton, N.J. seeking a Use Variance to build an addition on their home in the Highway Business District.

Mr. Hoffman was recused due to his position as a Member of Council and Officials of the Borough do not vote on Use Variances.

Douglas Cody opened the Application. He was the Attorney for the Applicants Daniel and Kristin Keating who were seeking a Variance in connection with the expansion of their existing personal residence. It was a conflict case out of Hammonton, New Jersey. The information about the nature of the conflict and how the Applicant came before the Folsom Planning/Zoning Board was sent. He would answer any questions about the conflict. He introduced Mr. Lance Landgraf, who was the Professional Planner on the project.

Chairwoman Gummoe Lubrano swore in Mr. Landgraf. He was a licensed professional planner in the State of New Jersey. He was also A. I. C. P. Certified and has been doing this work for 38 years. The Applicant was there for a D2 Variance and was expanding an existing non-conforming use in a Highway Business District in the Town of Hammonton.

The site was located just off of the White Horse Pike. Mr. Landgraf had a Google map representation of the site which was labeled Exhibit A-1. It was not part of the application submission. Mr. Landgraf explained the location of the site using the Google map representation and described it at Block 4302 – Lot 10 – 14 Pleasant Mills Road. The property was about 2,700 square foot lot in the Highway Business District with an existing single-family dwelling on the

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site. The parcel contained the main structure which was the house, a detached garage which was converted to a gym/playroom for the children with video games, and it had a summer kitchen which were very common in The Town of Hammonton.

The existing Use of Residential was not permitted in this Zone. The permitted Uses ranged from local retail activity, supermarkets, local service activities, retail dry cleaning, restaurants, take-out restaurants, banks, bars, taverns, and professional offices. It was the town's main Business Zone along the White Horse Pike. The site sat about 500 or so feet off of the White Horse Pike. The home has been there for quite a long time. There were existing residential all around it, the sewer treatment plant was down the corner from the site, and a solar array to the north of the site. There were some wetland areas that came through the property. The town's creek was adjacent to the property and the lake. The Applicant did not need a Pinelands Certificate of Filing because it was a small Residential type application. The increase in impervious coverage was minimal at 1,500 square feet or so.

The Highway Business Zone criteria was all designated for commercial businesses and was designed for more intense Uses. The buffers and setbacks were bigger, and the lots were a little bigger than what was needed for a single family on sewer.

The Applicant met the required lot size of 50,000 square feet, but did not meet the required existing non-conforming lot frontage of 200 feet. The front setback of 65 feet was existing non-conforming, the 40 foot side setback and 50 foot rear setback were conforming. The maximum lot coverage was 75% of the property. The requirements were geared toward Commercial type Uses. The Applicant was below the majority of the requirements except for some of the setbacks. The maximum building height was 42 feet, but the applicant was not building a 42 foot tall residence. The exact height was not available because the architect was not able to attend the meeting, but it would be less than 42 feet. Mr. Landgraf thought it would be in the 30 foot range because there would be additions to the second floor.

The total square footage expansion of the single-family dwelling was about 2,650 square feet on 2 different floors. The first-floor expansions would include a laundry room, expansion of the pantry, expand the dining room, expand the family room, and a screened in porch addition over an existing patio. There would not be new impervious. The second-floor addition will be a home office, relocation of bedroom #2, addition of a Jack and Jill bathroom for the children, expansion of the master bedroom and a deck on the second floor.

There was a small structure labeled as a shed on the survey that was actually a small children's log cabin playhouse area.

The survey submitted with the Application showed what was existing on the property. It was labeled exhibit A-2. Mr. Landgraf gave an overview of the survey. He explained there was a driveway that came into the site. It was a loop type of driveway onto the adjoining Lot 8. There were greenhouses that will be removed

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A Zoning Map was presented and marked as Exhibit A-3. The Highway/Business area on the Zoning Map was surrounded by R3 and across the road there was R1 and also Highway Business all the way thru that.

An enlarged floor plan was presented and marked as Exhibit A-4. It showed where the addition was going to go on the existing building. It was prepared by Thomas Wagner dated 3/4/24. The existing dwelling structure (existing footprint) was 1,636 square feet. The addition added (footprint of the addition) 1,512 square feet. There will be two stories in some of the area, but not all of it. The upstairs proposed 1,100 square feet.

The existing lot coverage was 15 % and another 10% will be added. There will be 25% lot coverage which included the driveway that was already there.

The house was built many years ago before this area was zoned for Highway Business. It exists and was legally there, but a D2 type variance was needed to expand it.

Mr. Landgraf cited MLUL Statutes and the positive and negative criteria for this application.

Statue 40:55 D-2.a. To encourage municipal action to guide the appropriate use or development of all lands in this State, in a manner which will promote the public health, safety, morals, and general welfare. Allowing a single-family home to expand to accommodate the family provided the general welfare.

40:55 D-2.g. To provide sufficient space in appropriate location... The Applicant was in an appropriate location. Houses have been there for quite some time and was not encroaching on any neighbors' properties with any reduced setbacks. All of the expansion was internal to the site. Pinelands didn't have an issue with it because it wouldn't encroach the wetlands offsite.

40:55 D-2.m. To encourage coordination of various public and private procedures ...shaping land development with a view of lessening the cost of such development into the more efficient use of land. Mr. Landgraf focused on the "more efficient use of land" explaining instead of going somewhere else and building a new home; refurbish the home that has been in the family for years and use the property to its fullest extent. It was a good efficient use of the property.

Negative Criteria standpoint: Would it add a substantial detriment to the public good? The Use was already there. It was surrounded by existing residence Uses. There would be no traffic increase to the site. The Historic Use has been Residential. Surrounding Uses were the same and the expansion was internal. There were no visibility or issues with neighboring properties. It would not impair the intent and purpose of the Zone plan. The site was designed or zoned for commercial Uses which were much more intense. This would not be an intensive expansion to the site. The Master Plan encouraged promoting general welfare. Expanding the residential home in this zone would meet these criteria.

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Mr. Landgraf indicated that each individual existing non-conforming would be subsumed into the D2 Variance. The same criteria would meet for those same relief that would technically be required under this and referred the Engineers Report for the number of variances needed.

There was an existing non-conformity for lot area, lot frontage, front yard setback; where 65 (feet) were required and the Applicant was at 1.82 feet to the one corner of the building; and distance between buildings where 50 foot was the minimum required. He explained the expansions were moving away from that in terms of the site because it was designed for Commercial Sites.

Ms. Heller cited Hammonton's Ordinance 175-87.B. (Accessory buildings- Distance between adjacent buildings). It was on the Applicants other designs standards and was specific to the Commercial. Ms. Heller thought it strange because on a Residential lot, 50 ft. between buildings was a lot space. It was included in the Report because it was required, but there was no way to get 50 feet between buildings at this point.

Solicitor suggested A-4 be updated and if Hammonton Building won't take the permit, then the permit can run through Folsom.

Mr. Cody gave an explanation of the conflict, but in terms of where the construction permits will be pulled was not specifically addressed, but his inclination was that the Applicant would be coming back to Folsom for the permits. Discussion ensued between Mr. Cody and Solicitor Goloff.

Ms. Heller noted that since Hammonton would not deem the Application complete, technically Folsom should deem the application complete based on Hammonton's Checklist. Hammonton's Checklist was for a Minor Site Plan. Hammonton did not have a Checklist for this. However, the Applicant had everything Ms. Heller needed and the Applicant addressed all the completeness items in her report.

Mr. Landgraf confirmed that there was no one residing in the second building (garage) recreation area/summer kitchen.

Questions from the Board: Ms. Roberson asked if there was a rest room in the second building. Mr. Landgraf confirmed there is a full bathroom, but the Applicant may put a pool in.

In his opinion as a Professional Planner, Mr. Landgraf it will not impair the intent and purpose of the Zoning Ordinance or the Master Plan.

There were no other questions from the Board Members for the Engineer.

The meeting was opened to the public. Seeing no one present from the public, the public portion was closed.

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Solicitor Goloff summarized the Motion. Someone should make a Motion granting the Variance request for a D2 Use Variance incorporating all the things the Engineers, Mr. Landgraff and Ms. Heller, agreed to with regard to marking up and updating the certain exhibits that were presented. The Application was specifically to increase the size of the house that is there and was there before the Zoning Ordinance that exist now was passed. The existing home was 1,636 sq. ft. The Applicant was adding 1,512 (sq. ft.) on the bottom and 1,100 sq. up top. To show the actual distance between the main residence and the garage, Mr. Landgraff will indicate the exact dimensions of the garage and the exact distance between the two buildings.

A Motion was made by Mr. Sutts and seconded by Ms. Roberson to grant the request for a D2 Use Variance which would incorporate both Mr. Landsgraf and Ms. Hellers statements placed on the Record and subject to new mark ups and changes placed on the record by the petitioners Engineer which were to increase the existing residence size by 1,512 square feet.

Discussion on the Motion: The Chair opened with discussion on the motion. She thought the Motion should be granted. The house has been there for many years. It was a non-conforming lot already. It was increasing the residence size. The Engineer placed all the Positive reasons on the Record and concurred with every single one of them. Based upon the testimony provided didn't find any Negative. For those reasons would Approve the Motion.

Ms. Roberson would Approve the Motion because the house has been there for many years. The Applicant wanted to add on to it for the family.

Mr. Cappuccio agreed. The house was there before they changed the law. They shouldn't be burden with having to sell the house and go somewhere else because the laws have changed and they were already there.

There were no other comments or discussion on the Application. Seeing and hearing none the Chairwoman called for a vote. A roll call vote was taken with ayes all.

Kristin Gummoe-Lubrano	Yes	For the reasons set forth
Mike Veneziani	Yes	
Dave Cappuccio	Yes	
Michael Sutts	Yes	
Leslie Roberson	Yes	
Chris Hadulias	Yes	

The Application was unanimously Approved.

The meeting was opened to the public for comments. Seeing no on present from the public, the public portion was closed.

There was no other business for the Board.

Next Scheduled Meeting: September 18, 2024 at 6:30 pm

Meeting Adjourned at 7:10 pm – All In Favor

Respectfully Submitted,

Susan Carroll
Board Secretary