

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

September 16, 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, Lou DeStefano, Dave Cappuccio, Michael Veneziano

Absent: Joel Spiegel, John LaPollo, Ben Pagano, Edward Malec

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

APPROVAL OF MINUTES:

A motion was made by Mr. Veneziano and seconded by Mr. Pino to approve the minutes of the Special Meeting called on August 3, 2015. There was a roll call vote with ayes all and one abstention by Mr. Smith.

RESOLUTION

Application # 06-ZB-2015 – John & Loretta Blazer, 1450 Backline Road, seeking a Minor Re-Subdivision for Block 701 – Lots 15 & 25. The Re-Subdivision will reduce the size of Lot 15 from 7.73 acres to 3.21 acres and will increase the size of Lot 25 from 3.284 acres to 7.80 acres. Both properties have dwellings and are located in the Village Residential Zoning District

A motion was made by Mr. DeStefano and seconded by Mr. Pino to approve this Resolution. There was a roll call vote with ayes all.

APPLICATION:

Burley & Lorie Clark, 1350 Mays Landing Rd., Folsom, seeking a Minor Subdivision for Block 401 – Lot 101 and a C Variance for proposed Lot 104. Application# 07-ZB-15.

Mr. Coombs swore in Burley Clark, 1350 Mays Landing Road, Folsom owner of the property, and John Helbig, with Adams, Rehmann, & Heggan. Mr. Helbig represented Applicants in the

past and his qualifications as an expert in his field were well known. Mr. Helbig distributed aerial photos of the property to the Board Members.

Mr. Helbig explained they were there for a minor subdivision application for Block 401 – Lot 101. Part of George Eckhart's (previous owner) farm which was subdivided recently and created the 8.7 acre piece of property and it included the accessory buildings on the property. The applicant has about 650 ft. of frontage on Mays Landing Rd. The majority of the property is in the Village Residential District which requires 2 acres of land lot size. The current lot would remain 4 acres the other two lots will be subdivided in half at least 2 acres within the Village Residential Zoning District. There were several Variances involved in the Application. He believed for exceptional for hardship.

He had the plan which was part of the Application and pointed out Mays Landing Road and Lot 5 where a home is located there. The proposal would be to provide two additional lots one in the area by the yellow. The other lot would be on the northern side of the track and follow the subdivision line. It would involve about 2.5 acres. There was a line on the plan which represented the Zoning District Boundary between the Village Residential and the Agricultural District. (Inaudible) part of the original subdivision of the Eckhardt farm. Everything in the rear of the property is deed restricted Agricultural grounds. Mr. Eckhardt entered into an agreement. (Inaudible) now State Agricultural result deed restrict the Lot.

The proposal will provide two additional lots on each side of the existing log house. Mr. Helbig reviewed the aerial photographs handed out and gave an explanation of the subdivision.

A Variance was requested on the proposed Lot 104 for lot width. The width of the proposed lot will be 99.93 ft. where 135 ft. is required in the VR Zone. It is 75% of the required frontage. It is essentially a flag lot. A home could be built in the rear area part of the lot, which is not the narrow part of the Lot. When and if a home were to be built in the rear area, it is not the narrow part of the Lot, it will meet side and (inaudible) requirements.

The other Variance has to do with a long standing mission where Mr. Eckhardt generated himself by building the stable on the rear of the property seen in the photograph which straddles the subdivision line through the deed restricted agricultural property in the rear of the current property (Lot 101). The plan would be to provide a minor subdivision boundary just to the south of the building so a home could be built on proposed Lot 104. As they indicated the parent lot came about (inaudible). The proposed rear yard setback will be 0 feet where 50 ft. is required.

The metal stable where the property line jogs around will be included in Lot 101, but the hope would be that part of the stable will fall onto the lot line. The Variance would be for the south side of the metal stable. The Variance has to do with the metal stable which straddles the existing property line. It is in the Agricultural District where there is a 100 ft. setback required. It is a situation when Mr. Eckhardt built that same (inaudible).

In reference to the existing lease with the owner of Lot 100. Mr. Clark had a friendly conversation with the owner. Mr. Clark's attorney and the attorney of the owner of Lot 100 are drafting a new lease.

The narrow part (proposed Lot 104) which goes out to Mays Landing Rd. will be a driveway to the back not to build a house. It will be a driveway. The intention was to lease out that part of the farm to a horse farmer and to sell that part. It was not the Applicants intention to subdivide, build a house, and sell it. It was discussed in the past to build on the Lot, but even though Mr. Clark supposed it would be a buildable lot it was not his objective. The Lot on the other side (Lot 103) he planned to build a house for his mother & father to live there.

The owner of Lot 5 was in attendance. Mr. Coombs swore in Albert Struckus, 1328 Mays Landing Road, Folsom, N. J. Mr. Struckus questioned as the owner of the property adjacent to Mr. Clark why he was not sent a notice of the subdivision and meeting date and time. He didn't have any objection to the subdivision. It was determined Mr. Struckus was erroneously not included on the 200' Radius List requested by the Engineer's office. It was an oversight because the list is on the plan and Mr. Struckus address, block, and Lot are not listed. It was missed when the 200' List was prepared by the Borough. The applicant, as is required, provided notice to everybody who was on the list. They did what was required in order to be heard by the Board. An apology was extended. It was missed. There was an out parcel there. Fortunately he was there and he knew about it, but it was a requirement to notify all property owners within 200 feet. Mr. Pitale thanked Mr. Polistina for clearing up the matter.

The access easement for the proposed Lot 104 will go all the way to Lot 100 for the farmer so he can drive a tractor or farm equipment across the Lot. It is not a formal easement it is a handshake. Mr. Clark was not opposed to him using it.

There were no other questions from the Board. Mr. Polistina gave the Engineer's Report.

ENGINEERS REPORT

The report was dated September 16, 2015. The Applicant has a Lot and is proposing 3 Lots as a result of the Minor Subdivision. The property is split zone in the Village Residential and Agricultural Zoning Districts. There are Variances associated with the Application.

In the Completeness Review there were some Checklist Items which were not met.

Item 17 – Provide a Polaroid which they did at the start of the meeting. The Item was crossed off the list.

Item 18 – Contours to determine the natural drainage of the land at 2 foot intervals. The Applicant was asking for a waiver.

Item 20 – Wooded areas indicating predominate species and size. The Applicant gave an Ariel at the meeting showing the wooded areas and had some indication on the species. The Engineer thought the Applicant had addressed this Item.

Item 21 – Location of trees 6 inches or more in diameter. The Applicant was asking for a waiver.

Item 30 – Location and description of monuments whether set or to be set.

WAIVERS

The Applicant needs 3 Waivers – Item 18, Item 21, and Item 30 If the Board is so inclined.

In terms of the Zoning, the Lots met all of the Zoning Requirements.

VARIANCES

Lot width for Lot 104 - 135 feet is required and 99.93 feet is proposed.

Zero foot setback for the metal stable C which will be partially on Lot 104 – 50 foot Rear Yard Setback is required and zero feet is proposed. The property line will go through the metal stable.

COMMENTS:

Additional information on the easement which was proposed was needed. What it will be and if it will be put in the deed.

The minor subdivision will require changes to the tax map. The applicant should compensate the Borough for the changes. The Applicant typically compensates the Borough for the costs of those changes.

The Applicant submitted a plan to the Pinelands dated May of 2015 and received a Certificate of Filing based on the plan. The Plan we (The Board) got is dated August of 2015 and it has removed some of the development which was shown on the Plan submitted to Pinelands and that the Certificate of Filing is based on. The Applicant showed single family dwellings on Lots 103 and 104 on the plan which was sent to Pinelands. If it will be single family dwellings, the Borough would have considered the Variances in connection with development of single family dwellings. There are other Uses which are permitted in the VR Zone and the decision making and liberations may be completely different if the Applicant is proposing another Use specifically on Lot 104. Mr. Polistina spoke with the Applicants Engineer, Mr. Helbig and single family dwellings were the only proposal at this time.

Mr. Polistina felt there should be an indication in the Resolution for a Building Permit not to be issued for Lot 104 except for a single family dwelling without returning to the Board seeking an Amended Approval.

There were other Approvals required. The Applicant is subject to all of the other Approvals in obtaining them. The Applicant needed to be comfortable with the stipulation of not getting Building Permits for other than a single family dwelling and will have to resolve Pinelands because the information given to Pinelands for the Certificate of Filing and the information given to the Planning/Zoning Board do not match. The Applicant will have to send the Plans back to the Pinelands Commission along with Approval from the Borough of Folsom Planning Board. When the date on the Plan which the Planning Board Approved, doesn't match the date on the Plan submitted to Pinelands; it will create a whole process with Pinelands to make sure everything matches.

Lot 103 is conforming. Lot 104 is not. The decision making or deliberations when considering the grant of the Variance was dependent on what Use is proposed. For this reason it was

recommended the Lot 104 be restricted to only a single family. A Variance may not have been granted if the proposed Use would have been anything other than a single family dwelling. In the event a Variance is granted, it is based on the proposed Use of a single family dwelling. For another Use the thinking may be different.

A motion was made by Mr. Esposito and seconded by Mr. Smith to deem the Engineers Report complete and granting 3 Waivers and Checklist. There was a roll call vote with ayes all.

The meeting was open to the public. Hearing no one from the public the public portion was closed.

Since there was testimony from Mr. Struckus, he would not need to submit anything in writing indicating despite the lack of Notice he was aware and had no objections. There is a 10 day Notice provision. It gives ten (10) days to review the application and hire professionals and attorneys. Mr. Struckus will be given a copy of the Plan. If the Board grants the minor Subdivision, it will be put in the form of a Resolution and the Resolution will need to be memorialized at the next meeting. It will be adopted by the Board. It will explain the Board granted a Minor Subdivision Approval and granted Variances and Conditions on the Approvals. If there are any issues Mr. Struckus will need to let the Board know prior to the next meeting. It will be adopted by the Board next month.

It was suggested by Mr. Pino, since Mr. Struckus had the right as an adjacent property owner to review the Minor Subdivision Plan, to call a recess for him to take some time and be able to take a look at the Notice and the Plan and speak with Mr. Clark.

Chairman Pitale called a short recess.

Mr. Burley stated he spoke with Mr. Struckus and he was aware and was satisfied.

A Motion was made by Mr. Smith and seconded by Mr. DeStefano to Approve the Minor Subdivision, with a Variance for a lot width of 99.93 feet, a Variance for the rear yard setback of zero (0) feet for the metal building, and to restrict Lot 104 to a Single Family Dwelling. There was a roll call vote with ayes all.

It was announced the IBEW Application would be continued until the October meeting.

INFORMAL REVIEW

Ben Pagano asked to discuss a change of Zoning District for Block 602 – Lot 11 from Forest 20 (F-20) to Village Residential (VR) and located along 15th Street off of Backline Rd.

Mr. Coombs swore in Mr. Dixon of Dixon Associates his qualifications were recognized. Mr. Dixon was available on behalf of Mr. Pagano who was not present. Mr. Dixon explained for the record the review was for Block 602 and not Block 902. He explained the change of Zoning would be an expansion of the existing Village Residential Zone which currently runs along Backline Road and adjoined to Mr. Pagano's property. The purpose of the Informal Review was an Administrative step for fact finding. Thirteen (13) lots were proposed for the development of

single family dwellings. The maximum density would be 13 units on approximately 26 acres. The access would be from Backline Road between Lots 10 & 12. There is not road there. It would have to be put in. Block 601 Lot 4 is approximately 10 acres. It is on the other side of 15th Street and was not part of the proposal.

Concern was raised about the Village Residential (VR) District. It is area in the Master Plan, that was set aside for certain volume of acreage. It was based on current development and proposed development. There was also concern for more people trying to do the same thing and concern for the homes with a 50 ft. access to all of the homes. It would have a limited ingress and egress. A question was raised of why wouldn't at least a partial development on 15th Street be considered if they are doing that many homes on the site. This will go beyond the Master Plan for Village Residential and thought if Village Residential is pushed in one area it would be pulled from another.

Mr. Polistina responded. The Borough's Zoning is based on the Pinelands Land Capability Mapping. Pineland's looked at the land in Folsom and other towns in the Pinelands area and based on the characteristics of the land have tried to classify the land. The land they felt had access to infrastructure, utilities, and transportation they tried to classify as Village areas. There are other rural development areas. The land that is restrained by environmental constraints, like wetlands and those types of things are put in Forest areas which are a higher density zone. All of the Borough's zoning is based on the underlying Pinelands Land Capability Map which is why the Applicant has to go to Pinelands. It is not an easy process. If the Borough were interested in moving this forward and going to Pinelands, the Pinelands might want some changes or offset. His thoughts were if the Applicant could demonstrate because of the local conditions, the transportation, access, proximity of the other single family residential development, the proximity to other Village Residential lands it would be something they would consider. There was no clue of how it would play out at Pinelands. Whether they would just say okay, no, or okay with conditions. In order to do it, the Pineland's would want the Borough to do something else which is what happened with the zoning on the Black Horse Pike when the Borough did the Forest Commercial-Receiving and the Forest Commercial-Sending. The Pinelands said okay they would allow the Borough to increase density to promote commercial development along the Black Horse Pike, but in exchange the Borough had to make other land Forest Commercial-Sending. There may be some tradeoffs like it as you go through the process with Pinelands. The zoning is based on the Standards set in the Pinelands Land Capability Map for the Village areas, Forest areas, and Rural Development areas. For Pineland to give the Borough something, they may take something. They may request it. It may be something they look at. Taking some of the either Village Residential or Rural Development areas and may have to restrict some of it further in order to allow for additional growth and density on this parcel or other parcels.

There was another concern for the one lane access, but it would not be one lane. It is 50 feet. If they owned all of the property and they put homes on either side the right-of-way for the road going into the development would be a 50 ft. right-of-way. The car way will end up being 28 feet. There will be a 28 ft. paved road which is both directions and shoulders. It would be a standard Borough road built in accordance with the Borough's Standards and in accordance with the Residential Site Improvement Standards.

The third point was with reference the paper road there (15th Street). If access to the development were put between two homes, it would essentially create a highway thru two properties involving cars running in and out. It could be on a road which is already available on paper. The other two properties will have almost a highway running between their two properties.

The Applicant should know there is a possibility the paper road could be developed. There was no objection against anybody, but the homeowners will all of a sudden have 20 dwellings or so. There will be buzzing back and forth between this one lane right next to their home. It is one thing if it is a residential driveway for one home it is another thing for egress/ingress for 20 homes.

Mr. Dixon commented. This is part of the process to address adverse situations.

It wouldn't just affect the two homes. It would affect all of the homes on the street. The traffic would minimally double.

Mr. Pitale responded. It's not a flag lot. It would only be 12 or 13 houses. Mr. Cappuccio added, people don't want houses in their back yard. The people on Backline Road will have houses in their back yards. No matter how it is laid out people do not want houses in their backyards unless the houses are put all on one side where the woods are.

Mr. Dixon mentioned the approach is to cluster.

There was a concern if everyone else will want to do the same considerations. Most of these properties have similar situations in this small community. How would they be addressed?

Mr. Dixon commented, but it was inaudible.

The Applicant wanted to put some (dwellings) on 15th Street wouldn't everyone else want Village Residential consideration? There is only so much Village Residential unless it is pulled and tugged from other areas. It should be looked at closely. The situation is not unique to Folsom. There are other potential flag lot. If the tax maps were looked at, it would not be a unique situation, but the question was if the Borough will start tugging and pulling at all of the other Village Residential areas.

Mr. Coombs understood the Applicant will be going before Pineland for an Informal. This is an Informal Review before the Folsom Board and do not need to issue a Resolution.

Mr. Pitale asked for comments from the public.

Cheryl Leggadri was present at the Board's meeting. Mr. Polistina gave a short update on the Sweeten/Porretta Application. They have put in some handicap requirements. The concrete is in. There was a question about the type of trees. They asked for Arborvitaes, but Leyland Cypress were required. Twelve (12) Leyland Cypress will be planted. Another row, staggered back behind the existing tree line. They will grow better and quicker with a better screen. It

should happen shortly. They will be the best for a canopy that we have with little water under the canopy in an area like that. They will be planted at six (6) feet height as was the requirement. There will not be a lot of grading, but some of the canopy will be trimmed back to clean it up. They will be planted outside of the existing tree line where the ground is already higher. There will not be planted in the holes, but will be planted on higher ground. A berm will not be built, but will be planted in an area. We will be there and Mr. LaPollo was there during the meeting. Mr. Poretta was told the trees need to be five (5) ft. on center in the location. He kept trying to change it. Mr. Polistina assured her he will make sure to be there, make sure the trees get planted in the best spot, and make sure some of the canopy will be cleaned up. They are fast growing and will be six (6) feet high. Hopefully they will grow quickly and get a decent screen for her. It seemed like the new owner wanted to be friends. They were there also. They clearly said they want to develop a relationship with the Leggadri's. If there are issues which come up Ms. Leggadri can talk to them directly. They seem like they want to do the right thing.

Mr. Pitale announced the Hazardous Mitigation Plan.

HAZARDOUS MITIGATION PLAN UPDATE

Folsom is participating in a **Multi-Jurisdictional Hazard Mitigation Plan**. A HMP is a living document that communities use to reduce their vulnerability to hazards. To inform and engage the public and other local and regional stakeholders in the planning process, a hazard mitigation planning website has been developed and can be visited at: www.aclink.org/PDM/.

Mr. DeStefano announced the Council is still considering the Ferris situation.

There was no other business for the Board.

The next scheduled meeting will be October 21, 2015 at 7:00 pm.

Meeting adjourned at 8:32 pm.

Respectfully submitted,

Susan Carroll
Board Secretary