

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

February 19, 2014

The meeting was called to order at 7:08 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.

Mr. Coombs swore in the following:

**3 Year Term – 2016**

John Hehre  
Greg Schenker

**Members Present:** Charles Pitale, John Hehre, Glenn Smith, Tom Ballistreri, Joe Pino, Joe Stuhltrager, Greg Schenker, and John LaPollo.

**Absent:** Gary Kemmerer, Joel Spiegel, Ron Esposito

**Others Present:** Solicitor: Jorge F. Coombs, Esq.  
Secretary: Susan Carroll

**APPROVAL OF MINUTES:**

A motion was made by Mr. Pino and seconded by Mr. Ballistreri to approve the minutes of November 20, 2013. There was a roll call vote with ayes all and abstention by Mr. Schenker.

A motion was made by Mr. Smith and seconded by Mr. Ballistreri to approve the minutes of January 15, 2014. There was a roll call vote with ayes all and abstentions by Mr. Schenker and Mr. Hehre.

**RESOLUTIONS:**

**01-2014** Brianna, LLC, 1512 Mays Landing Road, Folsom, N.J. 08037 seeking Re-subdivision with no Development and C-Variances for Block 1502 Lots 1, 2, 29, 30, & 31.  
Application # 03-ZB-13

Mr. Pitale recused himself from the proceedings. Mr. Pino took over as Chairperson.

A motion to approve the resolution granting the Brianna LLC application was made by Mr. Ballistreri and seconded by Mr. Stuhltrager. There was a roll call vote with ayes all and abstention by Mr. Pitale, Mr. Smith, and Mr. Schenker.

Mr. Pino returned authority back to Chairperson Mr. Pitale.

The approval of the Resolution for Robert Ingemi seeking a minor subdivision to create 2 residential lots for Block 3401 – Lot 36. Application # 06-ZB13 was tabled until the March 19, 2014 Planning/Zoning Board Meeting.

### **APPLICATIONS:**

George Eckhardt, 1350 Mays Landing Rd., Folsom, N. J. 08037, seeking a minor subdivision to consolidate 13 lots into 1 lot and re-subdivide into 3 lots, also seeking 2 C-variances for setback of house and accessory building. Application # 01-ZB-14

The George Eckhardt Application was carried until March 19, 2014 Planning/Zoning Meeting since the applicant did not receive the Certificate of Filing from the Pinelands.

### **OTHER BUSINESS:**

Mr. LaPollo gave an update from last month's Board Meeting on the e-waste issue with the residents. Mr. LaPollo stated he contacted the DEP (Department of Environmental Protection) for help with disposal of e-waste. The DEP advised him they put the law in effect for the town's to take control of it. DEP will issue a fine if it is for a business, but will do nothing for homeowners. It is up to the town to enforce e-waste. Although the town enforced the e-waste law, he doesn't know what happened to the TV's. They could be in the woods, they could be on the side of the road somewhere, but he doesn't know where they are at. The e-waste was disposed of, but he doesn't know where it was put. Residents with e-waste were fined for illegal collection and illegal disposal of the e-waste.

Mr. LaPollo also stated if the town was scrapping the TV's and throwing them in a dumpster and sending them to the landfill the DEP would come in and fine the town, but it is up to the town to enforce e-waste laws if a resident doing it.

Mr. Coombs questioned if it has to be a place of business as opposed to operating a business out of the house. Mr. LaPallo answered if it was a registered business DEP could have fined them.

Mr. LaPollo also stated Pinelands sent updates for the CMP (Comprehensive Management Plan).

Mr. Pino questioned whether DEP's judgment was proper on the e-waste issue and if the decision could be appealed because the TV's were being scrapped for profit and not personal recycling. It is just an illegal business and it could be contested if it proves to be a burdensome cost for the borough. Mr. Pitale stated it is an illegitimate business. Mr. LaPallo responded since the resident isn't a registered business, not a junk yard, a scrap yard, or a licensed facility; Pinelands will not address the e-waste issue because he is just a homeowner scrapping on the

side.

Mr. Coombs gave an example of a situation where a tank is leaking on a property and suggested NJDEP gets involved and approvals would have to be provided.

Mr. LaPollo stated the company we were going to deal with who bought the TV's from us are no longer accepting them because there is such an abundance of them. Originally the manufacturer were supposed to pay the recyclers .06 per lb. to recycle, but they are not paying that anymore. The scrappers are not making the money they could have by recycling them so now it's become a burden.

Mr. Pitale stated even if the town were to accept the e-waste the scrappers have taken all of the precious metals out of them and Mr. Pino stated we are just dealing with junk. Mr. LaPollo agreed and added we are dealing with a hazardous material.

Mr. Ballistreri stated he believed NJDEP is finding their way on this. There was an article in the Press about the e-waste. Mr. Pino stated the article in the Press sights, after the precious metals are removed the item becomes toxic waste. Now there is a situation where the e-waste is leaching beryllium and other toxic substances where this isn't just an issue it is now a toxic issue. Mr. LaPollo agreed this town and every town is having this issue.

Mr. Pitale stated Galloway collects their e-waste. The residents bring the e-waste to their yard and put it in a tractor & trailer. Mr. Ballistreri stated we talked about opening up our yard a Saturday a month. Mr. Schenker noted the e-waste would have to be intact. Mr. Coombs added Galloway limits their collection to TV's and computers. If it is something with refrigerant, or larger batteries with lead waste it has to go through Aqua at the County level at their yard. Mr. Hehre stated the County won't accept any metal objects other than plastics and cans. Mr. LaPollo stated the County is not a licensed electronics center. They are not allowed to by law. They use to do it for a fee and then take it for disposal, but they are not allowed to charge a fee for collection and they won't collect them anymore because it is a cost for them to dispose of it and they can't put it in a landfill. Mr. Hehre responded if a private homeowner leaves something like that out it is on the town to dispose of it. Mr. LaPollo answered what we have been doing is ticketing the person. If someone put a TV out to the curb, a \$106.00 ticket will be issued to them. Mr. Ballistreri stated the Borough passed an Ordinance several month back so it is clear a TV can't be put out at the curb. They were given more than fair warning, but now we have to start ticketing people for doing it, because scrappers are smashing TV's at the curb taking the copper and leaving the e-waste toxins right there at the curb. This is what the issue has become. There is no easy answer, but now the TV's and e-waste are being thrown into the woods. This is why we were thinking of having a collection day where people can bring the TV's and we will put them into a dumpster and find a way to get rid of them. It's a real problem. There is a need to have new legislation for this. Mr. Pino stated he thought it would be a good idea to track the e-waste because some residents will try to turn a profit by telling other people their Borough takes it (e-waste) and offers to get rid of it for them. Mr. Ballistreri stated he hadn't heard a legitimate argument to dispose of it another way. Mr. Schenker stated the tube TV's are going to become obsolete and will not be around anymore. Mr. Pino stated they are recyclable. Mr. LaPollo stated they are recyclable, but as soon as you crack the screen it becomes hazardous

material. Mr. Schenker asked if the flat screen TV's are recyclable? Mr. LaPollo answered No, they are the same thing. Mr. Stuhltrager stated he drove by the road works today and on his way he saw two TV's and a flat screen sitting out and asked if they are being collected now. Mr. LaPollo answered no.

Discussion ensued between Board Members and suggestions of how to handle the resident's disposal of the e-waste were made. Mr. Pino stated he thought it was a good idea for someone not to try to make a business out of it. Mr. Ballistreri stated the name and address would be taken if someone were to dispose of e-waste. Mr. LaPollo stated it would have to be a resident of the town. Mr. Pino stated but it could be a resident who every time you are open. Mr. LaPollo responded the number of e-waste items being dropped off by a particular resident would need to be monitored. Mr. Pino stated there is a need to think ahead before starting collection of e-waste of how to limit it. Mr. Ballistreri stated it had been already discussed to record the names and addresses and amount of TV's the person brings in. Mr. LaPollo stated when there is a limit to the number of e-waste items a person brings in the waste winds up being put on the side of the road again. Mr. Pino stated if the waste isn't limited you can have thousands of televisions. Mr. LaPollo suggested charging for the drop off and disposal of the e-waste. Mr. Coombs stated for 95% of the people it will work fantastic. Mr. Schenker stated if people have someplace to take a whole solid TV it will eliminate the broken ones that are left by the scrappers. Mr. LaPollo suggested if one resident brings in a large number of TV's then we should charge per TV. Mr. Ballistreri stated these are preliminary discussions of how to exactly set up the disposal of the e-waste. We need to discuss the cost for the town to dispose of the e-waste. We need to do something during the interim of waiting for the State to start making e-waste legislation.

Mr. Pino asked Mr. LaPollo if a receipt is required to show where the e-waste was taken when a summons is issued. Mr. LaPollo responded Judge Raso will waive the fine and just charge court costs if they bring a receipt from Goodwill or Best Buy showing where the e-waste was taken. They get a fine if they do not have a receipt. Mr. Schenker asked how the Summons is delivered. Is mailed to them or handed to them? Mr. LaPollo responded it is mailed to them. Mr. Schenker asked if the TV could be gone by the time the Summons is received in the mail. Mr. LaPollo responded we take pictures of the TV. If the TV is dismantled, we do not accept a receipt because there is no way to dispose of a dismantled TV. The TV's was either broken apart and put in the trash or left in the woods somewhere. First time offenders have to pay a fine. The fine goes up for repeat offenders. The fine is set as high as \$10,000.00. Mr. Pitale questioned what happens when you drive by somebody's property and you see a pile of junked TV's on the side of the road? Mr. LaPollo responded we just had this problem at 1315 Mays Landing Road. Mr. Pitale asked if there was a Summons issued and where did they take the TV's. Mr. LaPollo answered two Summons were issued one for collection and one for disposal. Once they are dismantled there is no place to take the TV's. Mr. Pitale asked, but what do they do with the TV's? Mr. LaPollo responded whatever they were going to do with them before they got the summons. Mr. Pitale stated and the County is not getting involved with this problem.

Mr. Ballistreri responded as of right now the County is not getting involved, but we are trying to come up with a solution in the interim of waiting for the issue to be handled by all government agencies because e-waste is a bad environmental issue. Mr. Schenker suggested dropping the e-waste at the County yard to let them deal with it. Mr. LaPollo stated the County will fine us.

Mr. Ballistreri stated nobody wants to deal with the e-waste. Mr. LaPollo explained dismantled TV's are the issue because nobody accepts dismantled TV's. There was a guy who would take it for .51 cents per pound, but he is no longer taking it. He has put a hold on all collection for electronic waste. Mr. Ballistreri asked what is done with the electronic waste. Mr. LaPollo explained there used to be a company in the United States that extracted the leads and mercury out of the picture tubes. The only place in the world now is in India. The hazardous material has to be shipped to India. No one will take e-waste because the cost to dispose of it is too expensive. Discussion ensued about a television program that showed barges and barges off the coast of every type e-waste.

Mr. LaPollo stated this is a serious problem for the Borough, but was hoping the Planning Board can get a plan together. Mr. Ballistreri asked for any suggestions. Mr. Pino suggested the plan should be thought through and spelled out. There should not be collection of disassembled TV's. The program should be limited to residents only and proof of ID required. There should be a cap on it.

Mr. Coombs asked what it costs per TV to dispose of it. Mr. LaPollo answered it was costing .51 cents per pound, but now they won't take it. Mr. Coombs asked what is being done now. Mr. LaPollo answered we are not collecting them. We are not picking them up. If we see them laying on the side of the road, we don't touch them because there is nothing we can do with them. The homeowner can take them to Goodwill or Best Buy. Mr. Schenker asked what do Goodwill and Best Buy do with them? Mr. LaPollo answered they recycle them. Mr. Smith asked how are they recycling them and why can't someone do what Goodwill is doing? Mr. LaPollo answered they are licensed to take them to a Class C or Class D facility that breaks them down and takes the picture tube and then ships them to India for proper disposal. Mr. Ballistreri asked where the closest place that does it is. Mr. LaPollo answered it used to be Magnum Computers. Mr. Pino asked if the Borough can take the TV's from the collection program to Goodwill. Mr. LaPollo stated they won't accept them from the Borough, but they will put a collection box in our yard along with a cloths box to collect only intact TV's and computers. We would call them to pick them up and they will come out at their leisure to pick them up. Mr. Hehre asked what e-waste consisted of. Mr. LaPollo answered laptops, computers, and cell phones. Mr. Coombs stated the cell phones are collected at the court house. Mr. LaPollo stated the issue isn't the cell phones the issue is the computers and TV's. Mr. Hehre asked how e-waste is defined. Mr. LaPollo answered e-waste is defined as anything with a core in it or battery operated, light bulbs, lamps, toaster oven. Mr. Coombs states anything with a chip in it. Mr. LaPollo conferred and added the TV's and computers cannot be disposed of in a landfill because of the poison.

Mr. Pitale asked what can be done to keep the e-waste out of the woods. Mr. Ballistreri responded we are trying to decide if we should open up the yard on a Saturday. Mr. LaPollo stated the ticketing is working. I have issued fourteen tickets this year and so far I have only seen one TV out this month. The Borough doesn't have a large group of people who put TV's out every year. There are about 27 to 30 people in a year doing it. Mr. Schenker stated it seems like there are TV's from other towns ending up in our reports. Mr. LaPollo answered this is correct and it is from people like the guy who lives at 1315 Mays Landing Road, but the object is to stop the residents from putting them on curb side. If a resident leaves it on the curb side, the

guy at 1315 Mays Landing Rd. will drive by and pick it up and take it back to his house. He will break it apart and it will wind up back in our woods because we do not have police patrol. Mr. Pino voiced concern about the TV's being out in the rain because we have no place to store them. We have acid rain. The acid rain will get inside of the TV and the acid rain is corrosive and the TV's will start leaching. Mr. Schenker stated we can't leave them outside. Mr. LaPollo stated eventually our Engineer will have a building built here sometime this year. We will be able to collect a small amount of them and be able to work out an arrangement to dispose of them. Mr. Schenker questioned what the negative of having a Goodwill box in the yard. Mr. LaPollo answered the negative is the Goodwill box is a shipping container and it takes up too much space in the yard. It takes space away from our dumpster space and space for the equipment and Goodwill will only come out when they feel like to empty it. Mr. Stuhltrager suggested leaving the container outside of the fence, but added residents might come by any time and there would not be a way to monitor. Mr. LaPollo added the clothing box could be outside the fence but the container would need to be inside the fence and we do not have the facility for it. Mr. Stuhltrager added the containers are never kept nice because residents come by and just drop items in front of it and ruin the appearance of the Borough. Mr. Schenker questioned if there is not enough room in the yard couldn't we keep the container at one of the Borough's lots with a lock on it? Mr. LaPollo answered we could not keep people from breaking into the yard and we could not keep people from breaking into it on a vacant lot and steal the TV's out of it. Mr. Smith made the point the TV's can be stolen out of the containers, stripped, and put into the woods anyway. It is not going to work unless we collect them at a certain time and keep them someplace under lock and key.

Mr. Pino stated we need to really think everything through. I think it is well intentioned. Mr. LaPollo stated the system the Borough has in place now is it is up to the resident to take it. Mr. Pino stated the good people will always be good and 95% of the people are doing it right, 95% will bring them to the Borough. Now the Borough will encourage the good people to give the Borough theirs and the Borough will be stuck with them. I'm almost thinking it is not going to work.

Mr. Coombs stated the Borough needs to look for a place where you are not going to make money, but not lose money because Goodwill has found a way to take the e-waste and not lose money. They are making money from the sales of the cloths, but when they are not they strip the clothing and sell the cotton. They sell the fiber and make money from it. They are making money from the e-waste. Mr. LaPollo stated Goodwill is not taking the scavenged TV's. They are only taking the ones that are intact. Mr. Smith stated the money is out of the scavenged TV's. Mr. LaPollo replied that is the problem everywhere. Mr. Coombs suggested offering a nominal amount of money then the Borough stops them from smashing them up, but then the Borough is out that money and needs to find a way to make it up. Mr. Pino stated it is more viable to give the residents incentive to bring the TV's to Goodwill. Mr. LaPollo questioned where the funds to pay residents to bring the old TV's to Goodwill. Mr. Coombs stated Goodwill found a way to make money from the old TV's. We have to find out how they are doing it. Mr. LaPollo responded the recycling companies are making money from the TV's that are intact. It is the scavenged ones that are the real issue. Mr. Ballistreri stated the Borough does not have the money to pay people to bring their TV'S for disposal. Maybe there will be big advances by the time we are ready to make a move on something, but it needs to be addressed.

People can't be leaving dismantled TV's in yards. We have to try to stop this from happening. Mr. Pino stated we do not have the Avenue to dispose of the TV's and they will sit out in the weather and they will corrode. Mr. LaPollo suggested the TV's could be covered. Mr. Pino questioned who is going to pay for it if they are out in the rain even if they are intact. Water is running out of them they are going to be considered damaged just as if they are cracked. Mr. LaPollo stated most of the recycling facilities don't care if the TV's are out in the weather. They just don't want the tubes cracked. Mr. Pino questioned if the picture tubes will crack just sitting out in the weather. Mr. LaPollo stated the idea would be to get them in and send them out and not to keep them sitting around. Mr. Pino state if 95% of the people are doing the right thing, the other 5% are not going to stop to do the right thing. He suggested for the Borough to put out a flyer. Mr. LaPollo stated the Borough has been advertising for three years. The flyers are mailed out with the tax bill every year, but the residents say they never got it. The flyer has the trash schedule, the recycling schedule, the leaf collection, and the advertisement to take the TV's to Goodwill or Best Buy, but the residents don't know the trash schedule, the recycling schedule, the leaf collection, or to take the TV's to Goodwill or Best Buy. They say they never got the flyer and we send them the schedule every year at tax time in July. Mr. Pino stated ignorance of the law is never acceptable. Mr. Pitale stated the flyer needs to explain to the residents why the TV's can't be left at the curb. Mr. LaPollo stated sending another letter is a waste of money and time. Mr. Ballistreri state we have to keep working on it and come up with the best possible solution.

### **OTHER BUSINESS**

Pineland's Comprehensive Plan – Mr. LaPollo questioned if the Pineland's Comprehensive Management Plan goes through will the Borough need to update theirs. There items in the Plan with reference to resource extraction.

Mr. Coombs stated one of the things that need to be discussed is the Ferris Associates application for resource extraction. Nothing has happened there. There is a Letter of Credit for the Borough to act upon. Perhaps the Borough should consider acting upon it. Time has gone by. Mr. Smith questioned if they could haul dirt out of there? Mr. LaPollo stated no and Mr. Ballistreri stated someone stole all of their equipment. Mr. Smith asked if the equipment was junked and who did it. Mr. LaPollo answered yes the same people who stole the Borough's chipper. The equipment was taken apart piece by piece and scrapped. Mr. Ballistreri informed the Board Members someone stole the chipper out of the brand new trailer right out of the Borough's yard. Nothing is safe right now. Mr. LaPollo stated the people were from Buena Vista and we got the chipper back.

Mr. Ballistreri stated we need to get with Mr. Polistina. It used to be by the zone, but I don't know how it is done now. Vince will know and he should be updated on it. We should give them a call. He asked where the Borough is on the Ferris application right now. Mr. Coombs answered we have a Letter of Credit we can act upon until July 17, 2015 when it expires. If there is no action on it, it renews automatically on a yearly basis. It's there I always felt it is a low amount, but there is almost \$125,000 sitting there. At this point the Borough can use the money to remediate the site. Mr. LaPolla asked if the full two years have gone by. Mr. Coombs stated he would have to look at it. I know it has been a while since they got the new permit. Mr. LaPollo stated he thought it was back in 2012 we renewed the permit. Mr. Schenker asked if the

property can be remediated for the amount of the Letter of Credit. Mr. Coombs doesn't believe it can. Mr. Ballistreri stated nothing has been done there and the money will help. Mr. Smith stated it might be the best thing to have someone go and level all of the hills and the pits. It will keep the motorcycles out of there if the hills are leveled off. It can definitely be done for that amount of money. Mr. Coombs suggested to fence the area for that amount of money. Mr. Smith stated a fence will never stop people from going in there. A fence is a waste of money unless a guardrail is put around it and welded so it can't be taken down.

Mr. Ballistreri asked the Board to authorize Mr. Coombs to move forward with the Ferris project. Mr. Pitale asked if Ferris had a permit to extract anything. Mr. LaPollo answered no, the permit is expired. Mr. Coombs stated we extended the permit last time. Mr. Ballistreri thought the renter went bankrupt and the owner past away. Mr. Schenker stated the son has the business now. Mr. Ballistreri ask the Board to be in favor of looking into the Ferris application and checking into whether the Borough can collect the funds to remediate the property.

Mr. Schenker asked if we smooth it out do we take on any responsibility if anyone were to get hurt. Mr. Balistreri stated no more than we have right now. Mr. Ballistreri explained we don't own the Ferris property, but because Ferris Associates didn't remediate the Borough can collect the money in the Letter of Credit and remediate the property. Mr. Schenker asked if the Borough could take possession of the Ferris property for lack of action. Mr. Coombs answered we would have to start looking into eminent domain. Discussion ensued with reference to legal challenges, taxes, and liability. Mr. Smith stated the lady who owns the property is a North Jersey lawyer. Mr. Ballistreri stated the remediation funds are in writing and they are past their time with remediating. Mr. Coombs stated the instructions are stated right on the Letter of Credit for all we need to do to collect. We need a signature of an authorized representative of Folsom Borough which would be any one of you and we certify we demand payment of the full amount under PNC National Association Letter of Credit which is this letter. Mr. Ballistreri stated he would sign. Mr. Pitale stated when we collect the money we will use for whatever is necessary to remedy the problem. Mr. Coombs stated the borough can do whatever it wants with it. Mr. Ballistreri stated it is like Lance (Langraf) said it is easy to level it out. The hills are the main part of the remediation. Mr. Smith stated The Borough is not going to topsoil the whole place. It hasn't been forest for the years. Mr. Pino stated the problem is the constant erosion that goes on there with the water that runs into it. Mr. Smith stated if it is remediated we won't have that.

Mr. LaPollo made a motion to authorize Mr. Coombs to move ahead and prepare the paper work and collect the money.

Mr. Smith 2<sup>nd</sup> the motion

Ayes all abstention by Mr. Pitale Mr. Pino, & Mr. Schenker.

### **Other Business:**

Mr. Ballistreri stated just for general knowledge we are going to be moving forward with tax foreclosures. It's a good thing for the town to finally get them off of the roll. The attorney we have now with the Borough has a much bigger stance. He tells me he has a department just to do that kind of work. He said he can get all of the delinquent taxes off of the roll this year. The former solicitor had a smaller office and they could only do a couple a year. It takes time to do all the work involved, but it's a good thing to clear up all the taxes.

The Chairman announced the next scheduled meeting will be March 19, 2014 at 7:00 PM.

Meeting adjourned at 7:55 PM.

Respectfully submitted,

Susan Carroll  
Board Secretary