

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

January 15, 2014

The meeting was called to order at 6:58 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

Charles Pitale
Ron Esposito

1-Year Term - 2014

Thomas Ballistreri – Class I
John LaPollo – Class II

Members Present: Charles Pitale, Glenn Smith, Tom Ballistreri, Joe Pino, Joe Stuhltrager, Ron Esposito, and John LaPollo.

Absent: Gary Kemmerer, Joel Speigel, John Hehre, Greg Schenker

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

Nomination and Election of Officers

The floor was opened by Jorge F. Coombs, Esq.

A motion was made for the nomination of Charles Pitale (1 year term) for Chairman by Joe Stuhltrager and seconded by Tom Ballistreri. There were no other nominations. Ayes – All. Nays –None.

A motion was made for the nomination of Joe Pino (1 year term) for Vice Chairman by Mr. Pitale and seconded by Mr. Ballistreri. There were no other nominations. Ayes – All. Nays–None.

A motion was made for the nomination of Jorge F. Coombs, Esq. (1 year term) for Board Solicitor by Mr. Pino and seconded by Mr. Pitale. There were no other nominations. Ayes–All. Nays–None.

A motion was made for the nomination of Polistina & Associates (1 year term) for Board Engineer by Mr. Smith and seconded by Mr. Pino. There were no other nominations. Ayes – All. Nays – None.

A motion was made for the nomination of Polistina & Associates (1 year term) for Town Planner by Mr. Smith and seconded by Mr. Esposito. There were no other nominations. Ayes – All. Nays - None.

A motion was made for the nomination of Joe Stuhltrager (1 year term) for Non-recording Secretary by Mr. Pino and seconded by Mr. Pitale. There were no other nominations. Ayes – All. Nays – None.

A motion was made for the nomination of Susan Carroll (1 year term) for Board Secretary by Mr. Ballistreri and seconded by Mr. LaPollo. There were no other nominations. Ayes - All. Nays - None.

Mr. Pitale Swore in Jorge Coombs & Susan Carroll.

Minutes

Approval of the Minutes from November 20, 2013 was tabled until February 19, 2014 Planning/Zoning Board Meeting.

Meeting Dates for 2014

A motion was made by Mr. Ballistreri and seconded by Mr. Smith to approve the meeting dates for the year 2014. There was a roll call vote with Ayes - All Nays - None.

Resolution 2014-01

A motion was made by Mr. Pino and seconded by Mr. Ballistreri to approve and designate The Atlantic City Press and Hammonton Gazette as the official paper for the Borough of Folsom Planning and Zoning Board. There was a roll call vote with ayes all.

Resolutions

The Resolutions for Brianna, LLC and Robert Ingemi were tabled Until the February 19, 2014 Planning/Zoning Board Meeting.

INFORMAL REVIEW

Jason Raider is seeking an informal review for Block 701 – Lot 2 – 1303 Mays Landing Road. The parcel is in the VR Zone - Village Residential. He is interested in purchasing the parcel for a small contracting business. There is an old gas station on the parcel.

John LaPollo states it is the property located on the corner of Fourteenth Street & Mays Landing Road. Mr. Pitale states it was a Martial Arts at one time and Pottery Place at one time.

Mr. Coombs swore in Jason Raider.

Mr. Raider states he is just a small contractor, has two guys that work for him, is looking for a garage to work on equipment and possibly if need be stay there one or two days a week. He is seeking to change the Zoning or a Change of Use on the property so to make it good for him. Mr. Pitale asked when you say stay there do you mean reside there? Mr. Raider responded he would possibly stay there if he works late. He might possibly put a shower in it. The main reason is working on my equipment. Mostly everything would be inside. He only has one or two trucks. It seems like the owner is having a hard time getting the zoning changed I'm not changing the lay out or anything, just making a bathroom, but I don't know if I can even do that. I would like to put a

bathroom in the place. It has a sink and a toilet and I'd like to be able to come and go as I please. I'm from Buena and Milmay area local and have been here all my life.

Mr. Pitale questioned what is on the property just that building? Mr. Raider answered, just a big garage with a small office on the side with a single bathroom. I think it used to be a gas station a long time ago and I really don't know too much else about it.

Mr. Coombs asked what the current Zoning and Approved Use is for it. Mr. Raider answered it says Village Residential. There has been a Martial Arts Education there. Mr. Raider answered they have been operating in violation I guess. Mr. Pitale answered it is a business that has been in that zone, it was established before the actual Zoning. Mr. Coombs questioned if there any official Use on what it was supposed to be or does it go with the property owner? Mr. Ballistreri responded Glen has a little background on the property. Mr. Smith stated the original property with the brick house on the hill that was just sold that Campi lived in was Cheech Giraldo's. I don't know his real name. He owned the gas station and the house and 35 years ago it was an operating gas station. He sold the house to Gary Campi and Gary sub-divided that corner piece out from the front of Grone's house out to Mays Landing Road. He since sold the house, moved down south, and now he's got the corner lot for sale, but has it ever been zoned for the gas station? Probably not, but 50 years ago a business was probably welcome there.

Mr. Ballistreri stated there has always been a business there and questioned if he knew anything about the environmental there. Are there still old tanks buried there? Mr. Raider answered Gary has told me that it has all been taken care of a few years ago. Mr. Ballistreri asked if there is documentation on it? Mr. Raider answered, he (Mr. Campi) told me he has it all. Fifteen years ago at least fifteen years ago. Mr. Ballistreri questioned but it was done? Mr. Raider answered they've got the tanks out. Mr. Ballistreri asked if it is mediated. Mr. Raider responded they've got the tanks out.

Mr. Ballistreri stated our Engineer could not attend and all information would be forwarded to him and our Zoning Officer and let them look at the possibilities. We need to do a little background and history on it. On the surface I only remember it ever as some type of business. Mr. LaPollo stated since he started here it has always been some type of school, a pottery school or martial arts studio. Glen Smith added it was a garage before that, it was a heating and air conditioning place, it was a duct cleaning company.

Mr. Coombs asked is the Conditional Use permanent and in the description sufficiently big where it says that by Conditional permit that you can engage in a Use similar in character. Mr. Raider responded its' been converted. Mr. Coombs understands its' been converted, but if the character, in other words, the garage is part of the character of the neighborhood and everyone knew that it was a garage. Mr. Raider added it looks like a garage. Mr. Coombs continued it looks like a garage, it smells like a garage, but still I would like Vince Polistina to take a look.

Mr. Ballistreri inquired if there is just a powder room in the building now. Mr. Raider responded it is just a small half bath. Mr. Smith added kitchen bathroom. It used to be on the side and they closed it off and plugged it up. Mr. Raider responded if it was his property he would blow the back wall out and put a big room in the back. Mr. LaPollo questioned like an addition! Mr. Raider responded yes, absolutely.

Mr. LaPollo questioned Mr. Raider if he will store equipment there. Mr. Raider responded he would store some stuff around back and have a little office there. Mr. Ballistreri asked what kind of

construction do you do and if he is a subcontractor. Mr. Raider responded he is in utility construction and works for Kline out of Williamstown mostly. He stated he does electrical work and plumbing work. Whatever I can do to make a buck.

Mr. Ballistreri inquired if the property is needed as a base of operation. Mr. Raider responded yes. He feels this area is more central to everywhere he works in South Jersey and that it would be perfect for him. Mr. Ballistreri asked how many pieces of equipment do you have? Mr. Raider responded that he has a couple of trailers and four pieces of equipment to put cable lines in the ground and most of them would be in the garage because he's trying to keep everything out of the elements. He stated if he had anything on the property it would be out back. He would consider fencing the area off.

Mr. Coombs questioned if the building is free standing? Mr. Smith responded it is free standing. Mr. Ballistreri questioned how big the property is. Discussion ensued as to whether the property is an acre, a half an acre, or three quarters of an acre. Mr. Ballistreri stated they should find out for sure if it can be a permitted use for that building. We think maybe it can, but we need to be sure. Mr. Raider asked if it could be changed to a Residential property where he could live. Mr. Coombs responded an attached single family absolutely. Mr. LaPollo questioned can you turn a garage into a single family house? Mr. Coombs responded that is a question for the Engineer. Mr. Ballistreri states we need to find out what we are permitted to allow there first and foremost. Mr. Ballistreri questioned Mr. Raider if he looked at any other parcels along Rt. 322 in Folsom? Mr. Raider stated he hadn't and was waiting to see if the Board will consider an approval for a Change of Use. If it doesn't sound good, than he would start looking elsewhere. Mr. Ballistreri questioned if it cannot be a house you would still be interested in it. Mr. Raider answered absolutely. It is prime as far as traffic goes.

Mr. Ballistreri asked when would be a good time to have him back? Mr. Coombs requested to have it sent over to Mr. Polistina with a brief description of what Mr. Raider presented. Susan asked if he needed to do an application. Mr. Coombs responded in order to do an application it would have to be the owner.

Mr. Coombs asked Mr. Raider if he owned the property. Mr. Raider responded no. Mr. Pitale suggested some pictures might help. Mr. Ballistreri stated Mr. Polistina and Mr. LaPollo would meet to take a look at the property. Mr. Coombs questioned if the property is abandoned right now? Mr. LaPollo responded it is not in use. It's up for sale or lease right now, its vacant. Mr. Ballistreri questioned if there is running water in it? Mr. Raider answered he thinks everything is shut down for the winter time right now. Mr. Ballistreri responded he thinks the best thing is to let Mr. Polistina and Mr. LaPollo look over the book on the Zoning and then reconvene next month. Mr. LaPollo responded Mr. Raider would definitely need a Conditional Use Permit for what he wants to do without a doubt and questioned if what Mr. Raider wants to do is allowable. There would have to be conditions for him as far as what he can store there or what the hours of operation would be, could he live in it? Mr. Raider responded he wanted to be able to come and go, if he needed to go there at midnight, he wouldn't be running a jack hammer or anything like that. Mr. Ballistreri responded no, that would definitely be a condition.

Mr. Coombs questioned if there is an improved driveway. Mr. LaPollo responded it is millings and a small piece of asphalt out front. Mr. Ballistreri stated it was definitely a business. Mr. Smith explained it use to have access off of 14th and Mays Landing Rd. at one time, but they it blocked off. Mr. LaPollo stated the property on the corner of Mays Landing Road and 14th Street is actually owned by the white house on 14th Street. The white house is actually on Mays Landing Rd. That

building isn't actually owned by 14th Street property, it is owned by the house behind it. The piece of property on the tax map is actually quite small compared to the brick house and the white house that sits behind it. Mr. LaPollo stated the property he is looking into is actually surrounded by the property that has the house that sits behind it and the brick house alongside of it.

Mr. Ballistreri reiterated I think we would be able to give you an answer next month after we do a little research on it. Mr. Ballistreri stated it's the third Wednesday at 7:00. Mr. Coombs answered the 19th.

Mr. LaPollo stated we actually got a phone call today about that property too. Another gentleman was looking into it about a power washing business.

Mr. Pitale asked if there is any other business for the Board?

Mr. LaPollo stated they have been running into an E-waste problem. Basically there several residents out there that are scrapping TV'S and scrapping metal in general. One of our biggest guys that we found is at 1315 Mays Landing Rd. We have been having an e-waste problem in town. We have been sending tickets out to people who put TV's out at the curb, we have issued 12 so far since the beginning of the year. There are several houses in our town that appear to be doing it for a living and the issue is the TV's are illegal equipment in the trash. It's illegal by the DEP to dispose of them in a landfill. Once you break a picture tube or dismantle the picture tube from the TV it becomes hazardous material and there is no way for the Town to dispose of it. These people are obviously in business and I want to pass these warrants out so you can get a look at them.

Mr. LaPollo passed pictures around to the Board member to look at.

Mr. Pitale asked Mr. LaPollo when you say in business what are they doing scrapping? Mr. LaPollo answered they are just scrapping and they have been doing it for a living. They are removing the back of picture tubes to take a small piece of copper out of the back of it. At that point it becomes hazardous material and there is no way to dispose of it. There is one company that will accept them from Town's at a price per pound. My issue is now we are ticketing them for illegal disposal of TV'S & illegal collection of TV's e-waste. It would appear to me that they are running actual businesses. Should we bring them in front of the Board for a site plan and a plan to show us how they are disposing of hazardous materials they are getting from these TV's and are there things they are scrapping as far as automobiles radiators things of that nature.

Mr. Esposito questioned are they doing anything illegal right now? Mr. LaPollo answered yes. Mr. Ballistreri stated I say all of them should be brought in front of the judge. Mr. Pitale stated recycling in this county is important according to DEP. Mr. LaPollo stated the issue is they are running businesses out of their property. Mr. Ballistreri stated we just passed an Ordinance on e-waste. Mr. LaPollo stated basically they are not going to stop. How do you stop them? Mr. Esposito asked if they can get arrested they are breaking a law. Mr. LaPollo responded we are ticketing them. Mr. Esposito questioned if that is all we can do? We are just stopping them from putting it out to the curb. We are not stopping them from doing what they are doing. As long as they are not putting it out at the curb. Right now what the Judge is doing is if they bring their receipt in then waives the fine because they appropriately disposed of it. Mr. Esposito stated but repeat offenders when I read that ordinance is pretty heavy. Mr. LaPollo responded repeat offenders only if they put it back out to the curb and if you put a second TV out at the curb. Once you get a ticket for doing it the first time you are not going to do it again. Mr. Ballistreri stated so then make it a property maintenance issue here. Mr. LaPollo stated it is an eyesore and as long as

he doesn't put them out to the trash he is just storing them on his property and it's a hazardous material. Mr. Pitale stated what is going to happen is they are going to load a truck up and dump it in the woods. They are going to load a truck up and dump it in the woods. Mr. LaPollo agreed, that is what they are doing. Mr. Ballistreri stated but even if they are not putting it out at the curb it is still a hazardous waste. Mr. Esposito stated right that is what I am getting at they are blatantly breaking the law. Mr. Pitale responded they are violating. Mr. Ballistreri suggested taking them right to the court and let the judge decide. Mr. LaPollo responded how do you stop them from doing the other scrap? Mr. Esposito questioned if they are running a business. Mr. LaPollo responded yes he is making money with it, it's a business. Mr. Smith questioned if a license is needed to run a business. Mr. LaPollo answered we don't enforce that. We don't make them apply for mercantile license. Mr. Ballistreri responded you could if you have to. Mr. LaPollo responded you would have to do it for everybody, you just can't pick and choose. Mr. Esposito asked Mr. LaPollo what he is proposing. Mr. LaPollo answered I want to know how you want to handle it. Do you want to bring or make the site plans? Do you want to bring them to court on a Zoning violation for running a business out of the backyard without it being a conforming use for a residential area? Mr. Esposito questioned if you are bringing them for a site plan aren't you condoning it is a legal activity. Mr. LaPollo responded no you can actually reject it on record. Mr. Esposito questioned what it would mean would they have to clean it up? Mr. LaPollo responded they would have to show us proof of how they are disposing of a hazardous material and you would be stopping them from doing it. Right now if you don't bring them for a site plan and deny them then you are not telling them they can or can't run a business out of the backyard for scrap metal or junk yard in this case.

Discussion ensued regarding the scrapping and that this should be reported at the County, state or Federal level. Once this is done it is no longer an issue for the Borough. It was mentioned to also inform the Pinelands as well.

Mr. Coombs asked if e waste code allow for per day per item? Mr. LaPollo answered per day. Discussion ensued regarding the fines. Mr. LaPollo stated for first offense its \$106.00 and \$33.00 court costs it goes from there. Mr. LaPollo stated there is a lot in Collins Lakes that stacks 27 to 30 TV's just picture tubes from these types of people. They go around and break the piece out of the back. They don't care. I suspect the guy on that lot lives two doors down from that lot. I brought him to court one time he told me he has 5 TV's stored in his back yard.

Mr. LaPollo states he will bring DEP in for both properties. Mr. Ballistreri agreed.

Mr. Pitale asked if any other business for the Board.

Mr. Ballistreri brings up application for Collins Lakes Food Market and questions if anybody knows who owns it now. They want to separate the deli form the building next door and they want to make the building next door a bar. Discussion ensued regarding the type of license Mr. Berenato has. Mr. LaPollo responded that it is a bar/package goods license. He actually shut the food market down. Mr. Ballistreri stated there are two types of licenses. One is package goods it is the main part of the license and you can have a couple of stools at a time, but that is a specific number. Then the other one is mostly a bar license and then you got the package goods.

Mr. Ballistreri stated the Planning Board might see something on that.

The Chairman announced the next scheduled meeting will be February 20, 2013 at 7:00 PM.

Meeting adjourned at 7:46 PM.

Respectfully submitted,

Susan Carroll,
Board Secretary