

I. NOMINATION AND ELECTION OF OFFICERS: ONE YEAR TERM - 2024

The floor was opened by the Board Secretary who requested nominations and election of Officers for a one year term for the year 2024.

Chairman: A motion was made for the nomination of Kristin Gummoe-Lubrano for Chairwoman by Mayor Glenn Smith and seconded by Mr. Hoffman. There were no other nominations. A roll call vote was taken with ayes all. Nays – none

Glenn Smith	Yes
Mike Sutts	Yes
Jim Hoffman	Yes
Leslie Roberson	Yes
John Thomas	Yes
Chris Hadulias	Yes

Vice Chairman: A motion was made for the nomination of Mike Veneziani for Vice-Chairman by Mayor Glenn Smith and seconded by Kristin Gummoe-Lubrano. There were no other nominations. A roll call vote was taken with ayes all. Nays – none.

Glenn Smith	Yes
Mike Sutts	Yes
Jim Hoffman	Yes
Leslie Roberson	Yes
Kristin Gummoe-Lubrano	Yes
John Thomas	Yes
Chris Hadulias	Yes

Board Secretary: A Motion was made for the nomination of Susan Carroll for Board Secretary by Mayor Glenn Smith and seconded by Kristin Gummoe-Lubrano. There were no other nominations. A roll call vote was taken with ayes all. Nays - none.

Glenn Smith	Yes
Mike Sutts	Yes
Jim Hoffman	Yes
Leslie Roberson	Yes
Kristin Gummoe-Lubrano	Yes
John Thomas	Yes
Chris Hadulias	Yes

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Solicitor: A motion was made for the nomination of Carol N. Goloff Law, LLC (1 year term) for Board Solicitor by Mayor Glenn Smith and seconded by Kristin Gummoe-Lubrano. There were no other nominations. A roll call vote was taken with aye all. Nays none.

Glenn Smith	Yes
Mike Sutts	Yes
Jim Hoffman	Yes
Leslie Roberson	Yes
Kristin Gummoe-Lubrano	Yes
John Thomas	Yes
Chris Hadulias	Yes

Board Engineer: A motion was made for the nomination of Polistina & Associates (1 year term) for Board Engineer by Mayor Glenn Smith and seconded by Mr. Hoffman. There were no other nominations. A roll call vote was taken with ayes all. Nays – none.

Glenn Smith	Yes
Mike Sutts	Yes
Jim Hoffman	Yes
Leslie Roberson	Yes
Kristin Gummoe-Lubrano	Yes
John Thomas	Yes
Chris Hadulias	Yes

Town Planner: A motion was made for the nomination of Polistina & Associates (1 year term) for Town Planner by Mr. Mayor Glenn Smith and seconded by Jim Hoffman. There were no other nominations. There was a roll call vote with ayes all. Nays - none.

Glenn Smith	Yes
Mike Sutts	Yes
Jim Hoffman	Yes
Leslie Roberson	Yes
Kristin Gummoe-Lubrano	Yes
John Thomas	Yes
Chris Hadulias	Yes

II. APPROVAL OF MEETING DATES FOR THE YEAR 2024

A Motion was made by Mayor Smith and seconded by Ms. Gummoe-Lubrano to approve the meeting dates for the third Wednesday of the month to start at 6:30 pm
A roll call vote was taken with ayes all. Nays – none.

Glenn Smith	Yes
Mike Sutts	Yes
Jim Hoffman	Yes
Leslie Roberson	Yes
Kristin Gummoe-Lubrano	Yes
John Thomas	Yes
Chris Hadulias	Yes

III. RESOLUTION 2024-01

Designating the Official Papers of the Borough of Folsom Planning and Zoning Board of Adjustment as the Press of Atlantic City and the Hammonton Gazette.

A motion was made by Ms. Gummoe-Lubrano and seconded by Ms. Roberson to designate the Press of Atlantic City and the Hammonton Gazette as the official paper for the Borough of Folsom Planning and Zoning Board. There was a roll call vote with Ayes all. Nays – None

Glenn Smith	Yes
Mike Sutts	Yes
Jim Hoffman	Yes
Leslie Roberson	Yes
Kristin Gummoe-Lubrano	Yes
John Thomas	Yes
Chris Hadulias	Yes

IV. RESOLUTION 2024-02: A Resolution appointing Carol Goloff as Planning/Zoning Board Solicitor. A motion was made by Kristin Gummoe-Lbrano and seconded by Mr. Hoffman to approve Resolution 2024-02. There was a roll call vote with Ayes all. Nays – None

Glenn Smith	Yes
Mike Sutts	Yes
Jim Hoffman	Yes
Leslie Roberson	Yes
Kristin Gummoe-Lubrano	Yes
John Thomas	Yes
Chris Hadulias	Yes

V. RESOLUTION 2024-03: A Resolution appointing Polistina & Associates as Planning/Zoning Board Engineer and Town Planner. A motion was made by Mayor Smith and seconded by Ms. Gummoe-Lubrano to approve Resolution 2024-03. There was a roll call vote with Ayes all. Nays – None

Glenn Smith	Yes
Mike Sutts	Yes
Jim Hoffman	Yes
Leslie Roberson	Yes
Kristin Gummoe-Lubrano	Yes
John Thomas	Yes
Chris Hadulias	Yes

VI. APPROVAL OF MINUTES:

There were no corrections or additions to the Minutes of December 20, 2023. A motion was made by Ms. Gummoe-Lubrano and seconded Ms. Roberson to approve the minutes of November 15, 2023. There was a roll call vote with two ayes and (5) abstentions.

Glenn Smith	Abstain
Mike Sutts	Abstain
Jim Hoffman	Abstain
Leslie Roberson	Yes
Kristin Gummoe-Lubrano	Yes
John Thomas	Abstain
Chris Hadulias	Abstain

Due to a lack of Board Members who were present at the November meeting, the Minutes of November 15, 2023 will be approved at the February 21, 2024 meeting.

Chairwoman Gummoe-Lubrano took the Chair's seat.

Solicitor Goloff explained that she needed to be in Mullica at 7:00 pm. Attorney Amanda Moscillo from Fox Rothschild and Jen Heller of Polistina & Associates were in attendance. Attorney Moscillo would fill in for Solicitor Goloff.

Ms. Goloff congratulated the new mayor. Mayor Smith thanked Ms. Goloff. Ms. Goloff then congratulated Ms. Gummoe-Lubrano as the first woman Chairperson. It's fantastic because we are all about a New Jersey first. Ms. Goloff was so proud because she has known Ms. Gummoe-Lubrano for a number of years from working in the courthouses and law firms. The Board is in good hands with her, and to the new members Mr. Hadulias and Mr. Thomas it's a good Board to work for.

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Ms. Goloff explained that the public portion happens at the end of the night. The last couple meeting we had members of the public. The Constitution of the State of New Jersey, the statute governing the Municipal Land Use, and common decency says that members of the public have a right to be heard at any public meeting. However, this Board is governed very specifically by statute. Our powers are limited. We are only allowed to do certain things. One of the things that we need to be mindful of, is that we cannot have any discussion about applications that are not yet before the Board or are not being heard tonight. She said that out of respect and not in any way to sound judgmental or critical, but this is a small town. We all know what feelings are about certain things and certain projects. If at the end of the evening during the public portion, any member of the public wants to talk about a particular application that is not before the Board, unfortunately Ms. Mocillo, who is a very nice person; and Chairwoman Kristin Gummoe-Lubrano, who is also an attorney and knows Land Use Law every bit as well as myself, are going to have to very politely stop the conversation because it's not fair to those members of the public who are not here because the issue is not on the agenda.

The meeting was turned over to the Chairwoman Gummoe-Lubrano and Solicitor Goloff excused herself from the meeting.

Chairwoman Gummoe-Lubrano announced the first Application.

APPLICATION 04-ZB-2023 - Diego Garces, 18 Ivy Lane, Sicklerville, N.J. seeking C Variance(s) to place a modular home on an existing foundation at 304 E. Collings Dr., Williamstown (Folsom), N. J. Block 2703 – Lot 662

Chairwoman confirmed with the Board Secretary that all the required notices, publications, and proof of taxes were submitted; and asked Ms. Heller if the application could be deemed complete from a checklist perspective. Ms. Heller noted there were two items the Applicant was requesting Waivers from and an additional Waiver for any trees which will be discussed during the review. The locations of well and septic systems can be handled during testimony. She recommended the Application be deemed complete.

The Applicant did not have an Attorney present.

Ms. Mocilla, Esquire swore in Melissa Garces, 18 Ivy Lane, Sicklerville, N. J. 08081.

Ms. Heller summarized the application: The application was for variance relief to construct a new single family dwelling on lot 662 in Block 2703 also known as 304 E. Collings Dr. and located in the RD (Rural Development) District. The site contained remnants of an existing concrete foundation of a single family dwelling which previously existed on the site. In 2006 the Board granted C Variance Approval to permit the construction of an addition onto the previously existing dwelling. Since then the dwelling has been demolished. There was just a foundation. The Applicant was proposing to construct a new two story single family modular dwelling on the existing foundation. In addition, the Applicant proposed to construct a new deck on the rear of the house, a proposed driveway, and future porch with a roof on the front of the house. The Applicant also proposed to remove some of the existing driveway and concrete that was on the

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site. The Applicant was seeking Variances for the existing non-conforming lot area, lot width, front, rear, and side yard setbacks, and maximum lot coverage. It was an undersized pre-existing lot which previously had a structure on it. The Applicant asked for Variances. A lot of them were existing / non-conforming and there were new variances they were requesting.

Melissa Garces testified she wanted to have a modular home built on the existing foundation. She was under the impression that since there was an existing foundation she would have built on it. It would have been Approved but guessed the Zoning Laws changed. She hoped to be Approved for what they requested or if she needed to make any changes.

Chairwoman Gummoe-Lubrano opened the meeting to the Board Members for questions. She asked for some clarifications and requested input from the Board Members as well. The Chairwoman asked the Applicant if she was building on the same footprint that was previously there prior to the demolition to which the Applicant answered yes. She asked the Applicant about existing conditions at the property. The Applicant had an engineer look at the foundation and was told they were able to build on the same foundation. Ms. Garces explained, the dams were being fixed and the people doing the dam were keeping some materials on their property before. The people doing the dam removed the trees which that was the Waiver that she believed was on there (the application). The property was clean and could be built on. The foundation was still there. The driveway were pieces of concrete. It wasn't really a driveway because it was worn. The applicant proposed re-doing a driveway in concrete. The front, side, and rear yard setback variances were not changing anything from the prior foundation.

Ms. Heller clarified the reason for the Variances were because the deck and the porch. The future porch shortened the existing side yard setback and the deck on the back of the house. The Applicant explained the deck area used to be a sunroom. The foundation was already there, but instead of doing a sunroom she would be doing a deck instead.

Mayor Smith asked if the new driveway would be brought out to E. Collings Drive or stop at the edge of the lane. The Applicant explained the driveway would stop at the edge of the lane. Ms. Heller asked who owned the lane and asked the Applicant if she had permission to utilize the lane because it would be used as a driveway without improving it as a street. The Applicant explained the Collings Lakes Civic Association owned the lane and they gave the Applicant an approval, but didn't send the signed letter. She can provide the letter next week. She thought they (Civic Association) didn't have their meeting this Monday because there was a holiday. She spoke to the new president, his name was Steve and he said they didn't have any issues with it. Ms. Heller recommended the letter be provided as a Condition of Approval prior to doing building permits. Mayor Smith questioned if they (Collings Lakes Civic Association) will not improve the lane. The Applicant explained, no they are not doing anything to the lane.

Ms. Heller explained there was an existing driveway that came out to the lane, but now are different owners and would feel better if they had permission from them too. The Applicant was also bringing the driveway out to there (the lane). Although it (the driveway) came out to there (the lane) before, permission to utilize it was needed. Ms. Garces explained, they

(CLCA) told us that we can share the lane. They (CLCA) used to share it before and they were not going to change it now.

Mr. Hoffman asked, how long they will give the right to use the lane and noted if they don't give them a life time, what happens. Mayor Smith suggested it could be perpetual. Ms. Heller suggested it would have to run with the property not separate owners. Approval was needed from them and they may have to stipulate that it is for the property and that it runs with the property.

Ms. Heller asked if there was a septic and a well because they were not shown on the plan. The Applicant explained she found the septic on an old plan. The well was right where the old sunroom was. On the corner (of the old sunroom) and pointed out where the septic was. She explained they wanted to do a new septic because it was tested and a new septic was needed. Whatever dimensions it has to be or where it has to be located we can do whatever you recommend. Ms. Heller explained the County Health Dept. handled that. In order to get building permit you're going to need the County Health Dept. septic approval. It was a whole design and approval process through the County Health Dept. Mayor Smith added and a well permit. Ms. Heller asked if the applicant would be doing a new well. Ms. Garces believed a new well would be done. She hadn't done the test, but thought a new one would need to be done. She didn't want to do anything until she knew that she could build. Ms. Heller thought the well was through the county or the state. You will need a well permit. Well drillers handle all of the permitting. You should have separation between your well and septic. That will be handled through the Health Department. They will guide you through that. Ms. Heller explained if you get an Approval tonight, that is the beginning. You will still have to get the septic and the well prior to getting the building permits issued.

There were no other questions from the Board Members.

The meeting was opened to the public. There was no one from the public to be heard for this application. Seeing none, the public portions was closed.

Attorney Ms. Moscilla addressed Ms. Heller and asked if there was a waiver. Ms. Heller informed Board one waiver was requested for the location of the trees. There were three existing non-conforming conditions for lot area, lot width, and lot depth and four new variances for front, side, rear setbacks, and maximum lot coverage.

Ms. Mocilla summarized the application. The applicant was requesting bulk variance relief for the front yard setback, side yard setback, and rear yard setback and the coverage and existing non-conformities which were the lot area, lot width, and lot depth. This was an existing undersized lot as was previously stated by Ms. Heller which was the reason for some of the variances. A condition of approval would be for them to get permission from Collings Lakes Civic Association to connect the driveway to the lane, use the lane, and the access would run with the property.

Ms. Roberson questioned the reason for the side set variance. Ms. Heller explained, the foundation itself was 10.9 feet and the Applicant added the front porch. The front porch reduced the side yard setback down to 8.3 (feet). A porch with a roof on it counts as part of the principle building. It would be measured to the point closest to that. If the porch was not done, it would still be at 10.9 feet.

A Motion was made by Mr. Hoffman and seconded by Ms. Roberson to Approve the application for bulk variances and allow a single family modular.

The meeting was opened for discussion. Chairwoman Gummoe-Lubrano believed Approval should be granted because it was an empty lot with a foundation. There used to be a home there. It was demolished for whatever reason not set forth in the record at this time. It appeared like the Applicants did obtain ownership with the intent to build. It would better the neighborhood. It would remove an empty lot. It was pretty much conforming to the non-conforming prior structure with the addition of the deck and the porch. There has been no feedback from the public providing anything negative and didn't see anything negative in terms of making this lot a livable lot.

Mayor Smith agreed with everything Chairwoman Gummoe- Lubrano said and agreed a house should be put on the lot.

A roll call vote was taken with ayes all. Nays none.

Glenn Smith	Yes
Mike Sutts	Yes
Jim Hoffman	Yes
Leslie Roberson	Yes
Kristin Gummoe-Lubrano	Yes
John Thomas	Yes

Chairwoman advised the Applicant to get the writing from the Collings Lakes Civic Association noting that the approval to use the lane was going to run with the land as well as the necessary permits and Atlantic County Health Department for the septic.

Ms. Garces thanked the Board.

APPLICATION 05-ZB-2023 – David James, 3008 8th Street, Folsom, N. J., seeking C Variances for area and height of an accessory structure.

David Scheidegg with the Applicant explained the notice for this Application stated the meeting time as 7:00 pm. The township website Planning and Zoning stated the meetings started at 7:00 pm and the Applicant advertised for 7:00 pm. Mr. Scheidegg questioned if he should wait until 7:00 pm or seeing no one in attendance if could they proceed. Ms. Moscilla advised we would have to wait and the Chairwoman agreed with Ms. Moscilla to wait and start at 7:00 pm.

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The Board took a brief recess at 6:45 pm.

Meeting resumed and was called back to order at 7:00 pm by the Chairwoman.

APPLICATION 05-ZB-2023 – David James, 3008 8th Street, Folsom, N. J., seeking C Variances for area and height of an accessory structure.

Attorney Amanda Moschillo swore in David James, 3008 8th St., Folsom and David Scheidegg, Professional Engineer and Professional Planner, 1425 Catillon Blvd., Mays Landing N. J.

The Chairwoman confirmed with the Board Secretary that all the required notices, publications, and proof taxes have been submitted and confirmed with Ms. Heller that she recommended the Application was complete from a Checklist perspective.

Mr. Scheidegg presented the application for Mr. James who lives 3008 8th Street – Block 3301 – Lot 8. It was a 20 acre parcel in the F-20 zone. The property had an existing single family house and a small one car detached wooden garage. The Applicant wanted to replace the old garage with a new pole barn in basically the same location. They will use the same driveway. The Pole Barn will be 1,680 sq. ft. two car detached garage with room for storage for personal items. Three Variances were associated with the Application.

- 1.) A Variance for the size of the pole barn was needed 1,680 sq. ft. where 900 sq. ft. was allowed.
- 2.) A Variance for building height was requested to improve the aesthetics. The pole barn had a pitched roof. The applicant advertised 16.4 feet of height where 15 feet were allowed. The Applicant requested to go to 18 feet of height. The pole barn that was originally proposed had a 6 12 roof pitch. The Applicant requested the option to go to 8-12 roof pitch so it would match his house. An 8-12 roof pitch height would 18 feet.
- 3.) A Variance for front yard setback. The Ordinance allows for all Accessory Structures to be behind the house. The existing structure was in front of the house and the new pole barn will be in front of the house. The proposed pole barn/two car garage is set back 780 feet from the front property line and out of view from the street or any of the neighbors. The proposed pole barn was also well over 300 feet from the side yard.

Mr. Scheidegg concluded that while variances were requested for the pole barn, it won't be seen by anybody except by the James's.

Mr. Scheidegg's qualifications were Licensed Professional Engineer and Professional Planner in the State of New Jersey for over twenty years and a partner in the firm Schaeffer Nassar Scheidegg Consulting Engineers, LLC. He appeared before this Board before and the Board accepted him as an expert.

Ms. Heller clarified the building height with Mr. Scheidegg. The 18 ft. was measured to what we define as the building height which was the mean of the roof. Mr. Scheidegg expanded on the definition: Basically halfway between the eave and the ridge. The plan showed 16.4 feet height and the Applicant was requesting to go up to 18 feet height.

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The Applicant stated for the record that there would be no living in or no residential unit in the pole barn or no running a business out of the pole building. It would be used strictly for garage, equipment, vehicles. It will be used for personal use and storage.

Ms. Heller commented with regard to storm water to make sure run off will not impact anybody else and to obtain the required building permits.

There were no questions from the Board for the Engineer or the Applicant.

The Meeting was opened to the public. Seeing none from the public, the public portion was closed.

Ms. Moscillo summarized, the Applicant was requesting bulk variances relief to allow an accessory building in the front yard where one is not permitted; to allow an accessory building consisting of 1,680 square feet where 900 square feet is the maximum permitted; and to allow an accessory building with the height of 18 feet where 15 feet is the maximum permitted.

A Motion was made by Mayor Smith and seconded by Mr. Hoffman to Approve the application.

Ms. Roberson questioned if the 18 feet height would make it aesthetic to the house. Chairwoman explained the Engineer indicated that the applicant wished it to match the house.

Chairwoman Gummoe-Lubrano for the record, moved to Approve based upon the application testimony provided by the Applicant and Engineer. The property seemed to be extremely far back from the front and side. It was indicated that no one other than the residents of the area would be seeing it. It was the replacement for an already non-conforming structure. The change in height was due to aesthetics. There wasn't anything negative. As was noted no one can live in it or use it for business purposes and the need for run off would be the only other follow up. For those reasons she moved to Approve.

There was a roll call vote was taken with ayes all. Nays none.

Glenn Smith	Yes
Mike Sutts	Yes
Jim Hoffman	Yes
Leslie Roberson	Yes
Kristin Gummoe-Lubrano	Yes
John Thomas	Yes

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There was no other business for the Board.

Next scheduled meeting: February 21, 2024 at 6:00 pm

A motion to adjourn was made by Mr. Hoffman and seconded by Ms. Roberson. All in favor.

Meeting adjourned at 7:09 pm

Respectfully Submitted,

Susan Carroll
Board Secretary