

**BOROUGH OF FOLSOM
COUNCIL MEETING
MINUTES
November 12, 2019**

MEETING CALLED TO ORDER: 6:40PM

SALUTE TO THE FLAG LED BY Mayor Lou DeStefano

OPENING STATEMENT: Adequate notice of this meeting has been given in accordance with the directives of the "Open Public Meetings Act", pursuant to Public Law 1975, Chapter 231. Said notice of this meeting has been advertised in the Hammonton Gazette and has been posted on the Borough Hall bulletin board showing the time and place of said meeting.

ROLL CALL: Councilpersons: Conway, Jantz, Arena, Hoffman and Schenker

Also present: Attorney John Carr and Jen Heller (Vince Poistina & Assoc.)

Absent: Councilman Pagano

APPROVAL OF WORKSHOP MEETING MINUTES FROM October 8, 2019

A motion to approve the minutes was made by Councilman Schenker and seconded by Councilman Conway

There was a roll call vote with ayes all.

APPROVAL OF THE COUNCIL MEETING MINUTES FROM October 8, 2019

A motion to approve the minutes was made by Councilman Hoffman and seconded by Councilman Schenker

There was a roll call vote with ayes all.

MEETING OPEN TO PUBLIC: No Comments

CLERK'S CORRESPONDENCE:

Borough Hall Offices will be closed on November 28, 2019 and November 29, 2019 in observance of Thanksgiving.

The Annual Christmas Tree Lighting will be held on December 5, 2019 at 7:00PM at Borough Hall.

PROCLAMATION:

BOROUGH OF FOLSOM

A Proclamation Commemorating Borough of Folsom School Choice Week

WHEREAS all children in Borough of Folsom should have access to the highest-quality education possible; and,

WHEREAS Borough of Folsom recognizes the important role that an effective education plays in preparing all students in Borough of Folsom to be successful adults; and,

WHEREAS quality education is critically important to the economic vitality of Borough of Folsom; and,

WHEREAS Borough of Folsom is home to a multitude of excellent education options from which parents can choose for their children; and,

WHEREAS, educational variety not only helps to diversify our economy, but also enhances the vibrancy of our community; and,

WHEREAS our area has many high-quality teaching professionals who are committed to educating our children; and,

WHEREAS, School Choice Week is celebrated across the country by millions of students, parents, educators, schools and organizations to raise awareness of the need for effective educational options;

NOW, THEREFORE, I, Mayor Louis J. DeStefano do hereby recognize January 26 – February 1, 2020 as Borough of Folsom **SCHOOL CHOICE WEEK**, and I call this observance to the attention of all of our citizens.

ORDINANCES: (Introduction/First Reading)

BOROUGH OF FOLSOM

ATLANTIC COUNTY, NEW JERSEY

ORDINANCE 07-2019

AN ORDINANCE AMENDING CHAPTER 170, SUBDIVISION AND LAND DEVELOPMENT, AND CHAPTER 200, ZONING, OF THE CODE OF THE BOROUGH OF FOLSOM, COUNTY OF ATLANTIC AND STATE OF NEW JERSEY

BE IT ORDAINED by the Mayor and Council of the Borough of Folsom, County of Atlantic, State of New Jersey, as follows:

I. PURPOSE: The purpose of this Ordinance is to amend Chapter 170, Subdivision and Land Development, and Chapter 200, Zoning, of the Code of the Borough of Folsom in response to amendments to the Pinelands Comprehensive Management Plan related to cluster development, effective April 6, 2009 and the Borough Master Plan Re-Examination Report adopted by the Borough of Folsom in November 2018.

II. Chapter 170, §170-30, Conservation subdivision, is hereby deleted in its entirety.

III. Article II, §200-6, “Definitions”, is hereby amended by replacing or adding the following definitions:

FORESTRY - The planting, cultivating and harvesting of trees for the production of wood products, including firewood or for forest health. It includes such practices as reforestation, site preparation and other silvicultural practices, including but not limited to artificial regeneration, bedding, broadcast scarification, clear-cutting, coppicing, disking, drum chopping, group selection, individual selection, natural regeneration, root raking, seed tree cut, shelter wood cut and thinning. For purposes of this Chapter, the following activities shall not be defined as forestry:

- A. Removal of trees located on a parcel of land one acre or less on which a dwelling has been constructed;
- B. Horticultural activities involving the planting, cultivating or harvesting of nursery stock or Christmas trees;
- C. Removal of trees necessitated by the development of the parcel as otherwise authorized by this Chapter;
- D. Removal of trees necessary for the maintenance of utility or public rights-of-way;
- E. Removal or planting of trees for the personal use of the parcel owner; and
- F. Removal of trees for public safety.

IMPERMEABLE SURFACE — any surface which does not permit fluids to pass through or penetrate its pores or spaces, typically having a maximum permeability for water of 10^{-7} cm/second at the maximum anticipated hydrostatic pressure. The term “impermeable” is equivalent in meaning.

IMPERVIOUS SURFACE — Any surface that has been compacted or covered with a layer of material so that it prevents, impedes or slows infiltration or absorption of fluid, including stormwater directly into the ground, and results in either reduced groundwater recharge or

increased stormwater runoff sufficient to be classified as impervious in Urban Areas by the United States Department of Agriculture, Natural Resources Conservation Service Title 210 - Engineering, 210-3-1 - Small Watershed Hydrology (WINTR-55) Version 1.0. Such surfaces may have varying degrees of permeability.

RESOURCE MANAGEMENT SYSTEM PLAN- A plan, prepared in accordance with the United States Department of Agriculture, Natural Resources Conservation Service New Jersey Field Office Technical Guide, dated June 2005. Such plans shall prescribe needed land treatment and related conservation and natural resources management measures, including forest management practices, for the conservation, protection and development of natural resources, the maintenance and enhancement of agricultural or horticultural productivity, and the control and prevention of non-point source pollution; and establish criteria for resource sustainability of soil, water, air, plants and animals.

IV. Article IV, District Regulations, §200-15A(1), F Forest Area Districts (F-20 and F-30), is hereby amended to read as follows:

(1) Detached single-family dwellings. Clustering of the permitted single-family detached dwellings shall be required whenever two or more units are proposed as part of a residential development. The following standards shall apply:

(a) Permitted density:

[1] In the F-20 Zone: one unit per 20 acres; and

[2] In the F-30 Zone: one unit per 30 acres

(b) The number of residential lots permitted within the cluster shall be calculated on the basis of the size of the parcel of land and the density permitted in (a) above, with a bonus applied as follows:

Parcel Size	F-20 Zone	F-30 Zone
<50 acres	0	0
50-99.99 acres	20%	25%
100-149.99 acres	25%	30%
≥150 acres	30%	40%

(c) The residential cluster shall be located on the parcel such that the development area:

[1] Is located proximate to existing roads;

[2] Is located proximate to existing developed sites on adjacent or nearby parcels;

- [3] Is or will be appropriately buffered from adjoining or nearby non-residential land uses; and
- [4] Conforms with the minimum standards of Article VII, Borough Development Standards.

(d) Development within the residential cluster shall be designed as follows:

- [1] Residential lots shall be one acre in size but may be larger if dictated by unusual site conditions. In no case shall the average size of residential lots within a cluster exceed 1.1 acres;
- [2] Minimum lot width and yard requirements shall be as follows:
 - [a] Lot frontage: 100 feet;
 - [b] Lot depth: 150 feet;
 - [c] Side yard: 25 feet;
 - [d] Front yard: 40 feet; and
 - [e] Rear yard: 30 feet
- [3] Individual on-site septic waste water treatment systems which are not intended to reduce the level of nitrate/nitrogen in the waste that comply with the standards of §200-47B(4) may serve the lots within the cluster development area. However, in the event that existing agricultural uses will continue on the parcel in accordance with (e)[2][b] below, individual on-site septic waste water treatment systems shall comply with the standards of §§200-47B(5) or (7). Community on-site waste water treatment systems serving two or more residential dwelling units which meet the standards of §§200-47B(5) or (7) shall also be permitted;
- [4] The residential cluster development area shall include such land and facilities as are necessary to support the development, including wastewater facilities, stormwater management facilities and recreation amenities; and
- [5] Permitted recreation amenities may include playgrounds, tot lots, swimming pools, tennis courts and other such recreational facilities, which are solely for use by the residents of the cluster development. Recreational amenities shall not be limited to the foregoing so that the applicant may propose additional facilities. All such facilities shall be accessory to the residential cluster development. No

advertising or commercial enterprise shall be permitted. In no case may such amenities occupy more than one-half acre of land or the equivalent of one acre of land for every 25 residential lots, whichever is greater.

- (e) The balance of the parcel located outside of the residential cluster development shall be owned and managed by a duly constituted homeowners' association, a non-profit conservation organization, Folsom Borough or incorporated as part of one of the lots within the cluster development area.
 - [1] All such land shall be permanently protected through recordation of a deed of conservation restriction. Such restriction shall be in favor Folsom Borough or another public agency or non-profit conservation organization. In all cases, such restriction shall be expressly enforceable by the Pinelands Commission; and
 - [2] The deed of restriction shall permit the parcel to be managed for:
 - [a] Low intensity recreation, ecological management and forestry, provided that no more than five percent of the land may be cleared, no more than one percent of the land may be covered with impervious surfaces and any such uses or activities are approved and conducted in accordance with the requirements of Chapter 200;
 - [b] Where agricultural use exists on a parcel proposed for cluster development, the following standards shall apply:
 - [i] For those agricultural uses in existence as of April 6, 2009, the deed of restriction may provide for the continuation of agricultural uses and the expansion of the area of agricultural use by up to 50 percent;
 - [ii] For those agricultural uses established after April 6, 2009, the deed of restriction may provide for the continuation of agricultural uses, provided the agricultural use has been in existence for a period of at least five years prior to submission of an application for cluster development;
 - [iii] For those agricultural uses established after April 6, 2009 which do not meet the standards of [b][i] or [ii] above, the deed of restriction shall permit the land to be managed only in accordance with [a] above and shall not provide for continuation of any agricultural use on the parcel;
 - [iv] The deed of restriction to be recorded pursuant to [b][i] or [ii] above shall authorize agricultural uses and provide that

impervious surface may not exceed that which currently exists or three percent, whichever is greater, unless a Resource Management System Plan has been prepared. Before these impervious surface limits may be exceeded, evidence of Pinelands Commission approval of the Resource Management System Plan shall be provided. If the deed of restriction is in favor of Atlantic County or the State Agricultural Development Committee, evidence of their approval shall also be provided; and

[v] For parcels which meet the standards of [b][i] or [ii] above, a provision shall be recorded in the deed for each residential lot within the cluster development area which acknowledges agricultural use of the protected land outside the cluster development area and recognizes the legal protections afforded to that use through the deed of restriction and any applicable statutes.

V. Article IV, District Regulations, §200-15B, F Forest Area Districts (F-20 and F-30), is hereby amended through the addition of the following as Subsection B(11):

- (11) Single-family detached dwellings which are not clustered in accordance with the standards of §200-15A(1) above, provided that:
- (a) The Planning Board finds that:
 - [1] Clustering of the proposed dwellings would be inconsistent with the standards of Article VII, Borough Development Standards; or
 - [2] Clustering of the proposed dwellings would disrupt the contiguity of the forest ecosystem to a greater degree than non-clustered development.
 - (b) Minimum lot size:
 - [1] F-20 Zone: 20 acres.
 - [2] F-30 Zone: 30 acres.

VI. Article IV, District Regulations, §200-17A(1), RD Rural Development District, is hereby amended to read as follows:

- (1) Detached single-family dwellings. Clustering of the permitted single-family detached dwellings shall be required whenever two or more units are proposed as part of a residential development. The following standards shall apply:

- (a) Permitted density shall be one unit per 5.5 acres;
- (b) The number of residential lots permitted within the cluster shall be calculated on the basis of the size of the parcel of land and the density permitted in (a) above, with a bonus applied as follows:
 - [1] For parcels under 50 acres in size: 0 bonus units
 - [2] For parcels between 50 and 99.99 acres in size: 15% bonus
 - [3] For parcels between 100 and 149.99 acres: 20% bonus
 - [4] For parcels of 150 acres or more in size: 25% bonus
- (c) The residential cluster shall be located on the parcel such that the development area:
 - [1] Is located proximate to existing roads;
 - [2] Is located proximate to existing developed sites on adjacent or nearby parcels;
 - [3] Is or will be appropriately buffered from adjoining or nearby non-residential land uses; and
 - [4] Conforms with the minimum standards of Article VII, Borough Development Standards.
- (d) Development within the residential cluster shall be designed as follows:
 - [1] Residential lots shall be one acre in size but may be larger if dictated by unusual site conditions. In no case shall the average size of residential lots within a cluster exceed 1.1 acres;
 - [2] Lot width and yard requirements shall be as follows:
 - [a] Lot frontage: 100 feet;
 - [b] Lot depth: 150 feet;
 - [c] Side yard: 25 feet;
 - [d] Front yard: 40 feet; and
 - [e] Rear yard: 50 feet

- [3] Individual on-site septic waste water treatment systems which are not intended to reduce the level of nitrate/nitrogen in the waste that comply with the standards of §200-47B(4) may serve the lots within the cluster development area. However, in the event that existing agricultural uses will continue on the parcel in accordance with (e)[2][b] below, individual on-site septic waste water treatment systems shall comply with the standards of §§200-47B(5) or (7). Community on-site waste water treatment systems serving two or more residential dwelling units which meet the standards of §§200-47B(5) or (7) shall also be permitted;
- [4] The residential cluster development area shall include such land and facilities as are necessary to support the development, including wastewater facilities, stormwater management facilities and recreation amenities; and
- [5] Permitted recreation amenities may include playgrounds, tot lots, swimming pools, tennis courts and other such recreational facilities, which are solely for use by the residents of the cluster development. Recreational amenities shall not be limited to the foregoing so that the applicant may propose additional facilities. All such facilities shall be accessory to the residential cluster development. No advertising or commercial enterprise shall be permitted. In no case may such amenities occupy more than one-half acre of land or the equivalent of one acre of land for every 25 residential lots, whichever is greater.
- (e) The balance of the parcel located outside of the residential cluster development shall be owned and managed by a duly constituted homeowners' association, a non-profit conservation organization, Folsom Borough or incorporated as part of one of the lots within the cluster development area.
- [1] All such land shall be permanently protected through recordation of a deed of conservation restriction. Such restriction shall be in favor Folsom Borough or another public agency or non-profit conservation organization. In all cases, such restriction shall be expressly enforceable by the Pinelands Commission; and
- [2] The deed of restriction shall permit the parcel to be managed for:
- [a] Low intensity recreation, ecological management and forestry, provided that no more than five percent of the land may be cleared, no more than one percent of the land may be covered with impervious surfaces and any such uses or activities are approved and conducted in accordance with the requirements of Chapter 200;

[b] Where agricultural use exists on a parcel proposed for cluster development, the following standards shall apply:

[i] For those agricultural uses in existence as of April 6, 2009, the deed of restriction may provide for the continuation of agricultural uses and the expansion of the area of agricultural use by up to 50 percent;

[ii] For those agricultural uses established after April 6, 2009, the deed of restriction may provide for the continuation of agricultural uses, provided the agricultural use has been in existence for a period of at least five years prior to submission of an application for cluster development;

[iii] For those agricultural uses established after April 6, 2009 which do not meet the standards of [b][i] or [ii] above, the deed of restriction shall permit the land to be managed only in accordance with [a] above and shall not provide for continuation of any agricultural use on the parcel;

[iv] The deed of restriction to be recorded pursuant to [b][i] or [ii] above shall authorize agricultural uses and provide that impervious surface may not exceed that which currently exists or three percent, whichever is greater, unless a Resource Management System Plan has been prepared. Before these impervious surface limits may be exceeded, evidence of Pinelands Commission approval of the Resource Management System Plan shall be provided. If the deed of restriction is in favor of Atlantic County or the State Agricultural Development Committee, evidence of their approval shall also be provided; and

[v] For parcels which meet the standards of [b][i] or [ii] above, a provision shall be recorded in the deed for each residential lot within the cluster development area which acknowledges agricultural use of the protected land outside the cluster development area and recognizes the legal protections afforded to that use through the deed of restriction and any applicable statutes.

VII. Article IV, District Regulations, §200-17B, RD Rural Development District, is hereby amended through the addition of the following as Subsection B(9):

- (9) Single-family detached dwellings which are not clustered in accordance with the standards of §200-17A(1) above, provided that:

(a) The Planning Board finds that:

- [1] Clustering of the proposed dwellings would be inconsistent with the standards of Article VII, Borough Development Standards; or
- [2] Clustering of the proposed dwellings would disrupt the contiguity of the forest ecosystem to a greater degree than non-clustered development.

(2) Minimum lot size shall be 5.5 acres.

VIII. Article VII, Borough Development Standards, §200-48, Scenic corridors, is hereby amended through the addition of the following as Subsection §200-48A(1):

(1) Except for those roads which provide for internal circulation within residentially developed areas, all public paved roads in the Forest Area Districts, Forest Commercial District, Rural Development Commercial District and the Rural Development District shall be considered scenic corridors.

IX. Article VII, Borough Development Standards, §200-48B, Scenic corridors, is hereby amended through the addition of the following as Subsection §200-48B(5):

(5) The requirements of B(1) through (3) above shall not apply to residential cluster developments that comply with the standards of §200-15A(1) or 17A(1).

X. Article VIII, Administration and Enforcement, §200-63B, Density Transfer Program, is hereby amended to read as follows:

B. Density transfer program. Detached single-family dwellings on 1.0 acre lots existing as of January 14, 1981 shall be permitted in the F-20, F-30 and RD Zones, provided that:

- (1) The owner of the lot proposed for development acquires sufficient vacant contiguous or noncontiguous land which, when combined with the acreage of the lot proposed for development, equals at least the following:
 - (a) Five and five-tenths acres if development is proposed in the RD Zone;
 - (b) Twenty and zero-tenths acres if development is proposed in the F-20 Zone and all acquired noncontiguous lands are located in the F-20 Zone;
 - (c) Twenty-nine and five-tenths acres if development is proposed in the F-20 Zone and all acquired noncontiguous lands are located in the F-30 Zone; and
 - (d) Thirty and zero-tenths acres if development is proposed in the F-30 Zone.

(2) If the lot proposed for development is located in the RD Zone, all lands acquired pursuant to Subsection B(1) above, which may or may not be developable, must be located within the RD Zone;

(3) If the lot proposed for development is located in the F-20 Zone, all lands acquired pursuant to Subsection B(1) above, which may or may not be developable, must be located in the F-20 or F-30 Zones;

(4) If the lot proposed for development is located in the F-30 Zone, all lands acquired pursuant to Subsection B(1) above, which may or may not be developable, must be located in the F-30 Zone.

(5) All noncontiguous lands acquired pursuant to Subsections B(1) through (4) above shall be permanently protected through recordation of a deed of restriction in accordance with the following requirements:

(a) The deed of restriction shall permit the parcel to be managed for:

[1] Low intensity recreation, ecological management and forestry, provided that no more than five percent of the land may be cleared, no more than one percent of the land may be covered with impervious surfaces and any such uses or activities are approved and conducted in accordance with the requirements of Article VII;

[2] Where agricultural use exists on a parcel to be protected, the following standards shall apply:

[a] For those agricultural uses in existence as of April 6, 2009, the deed of restriction may provide for the continuation of agricultural uses and the expansion of the area of agricultural use by up to 50 percent;

[b] For those agricultural uses established after April 6, 2009, the deed of restriction may provide for the continuation of agricultural uses, provided the agricultural use has been in existence for a period of at least five years prior to submission of an application for density transfer;

[c] For those agricultural uses established after April 6, 2009 which do not meet the standards of (a)[2][b] above, the deed of restriction shall permit the land to be managed only in accordance with (a)[1] above and shall not provide for continuation of any agricultural use on the parcel; and

[d] The deed of restriction to be recorded pursuant to (a)[2][a] or [b] above shall authorize agricultural uses and

provide that impervious surface may not exceed that which currently exists or three percent, whichever is greater, unless a Resource Management System Plan has been prepared. Before these impervious surface limits may be exceeded, evidence of Pinelands Commission approval of the Resource Management System Plan shall be provided. If the deed of restriction is in favor of Atlantic County or the State Agricultural Development Committee, evidence of their approval shall also be provided.

- (b) The deed of restriction shall be in favor of the parcel to be developed and the Borough or another public agency or non-profit conservation organization. In all cases, such restriction shall be expressly enforceable by the Pinelands Commission. The deed restriction shall be in a form to be approved by the Borough Solicitor and the Pinelands Commission.
- (6) Tax assessments for the acquired noncontiguous lands are combined and assigned to the land to be developed; and
- (7) The lot proposed for development otherwise meets the minimum standards of Article VII of this chapter.

XI. Article VIII, Administration and Enforcement, §200-65, Other uses permitted in specific zones, is hereby amended by revising §200-65B(1) to read as follows:

(1) Low-intensity recreational uses, provided that:

- (a)-(e) No change
- (f) No more than 1% of the parcel will be covered with impervious surfaces.

XII. Article VIII, Administration and Enforcement, §200-65, Other uses permitted in specific zones, is hereby amended by revising §200-65G to read as follows:

G. Public service infrastructure, provided that:

- (1) Public service infrastructure in the Forest Districts shall be intended to primarily service only the needs of the Pinelands;
- (2) Centralized wastewater treatment and collection facilities shall be permitted to service the Forest Districts, Agricultural District, Rural Development District and Rural Development Commercial District only in accordance with **§200-47B(2)**.

XIII. Amend Table I: Use, Area, Yard and Bulk Regulations by inserting "Note 4" as follows:

- (4) The minimum lot areas set forth above for the F-20, F-30, FC and RD Zones are for existing lots of record. Developments of two or more units in the F-20, F-30, FC or RD Zones must be clustered on one acre lots in accordance with §200-15(A)(1) or 17(A)(1).

XIV. Article III, Zoning Districts; Zoning Map, §200-7, Establishment of Districts, is hereby amended by to read as follows:

For purposes of this chapter, the Borough of Folsom is hereby divided into the following use districts:

F-20 Forest
F-30 Forest
RD Rural Development
RDC Rural Development Commercial
AG Agricultural Production
FC Forest Commercial [sending and receiving]
VR Village Residential
VI Village Industrial

XV. Article III, Zoning Districts; Zoning Map, §200-8, Zoning Map, is hereby amended by to read as follows:

§ 200-8. Zoning Map.
[Amended TBD-2019 by Ord. No. TBD-2019]

The Zoning Map, dated September 1988, as amended, shows each district and is on file in the office of the Borough Clerk/Municipal Administrator.

XVI. Article IV, District Regulations, §200-16, FC Forest Commercial District, is hereby amended to read as follows:

A. Permitted uses. Within the Forest Commercial District, no premises, lot, land, building or structure shall be erected or altered to be used or developed and no building shall be used in whole or in part unless it complies with Table 1 and the following regulations:

(1) Within that portion of the Forest Commercial District designated as FC-R (Forest Commercial - Receiving) on the Borough Zoning Map:

(a) Those uses permitted in the Forest Area Districts pursuant to § 200-15A, except that single-family detached dwellings shall be permitted only if in existence as of November 12, 2019.

(b) Roadside retail sales and service establishments, bars, taverns, garden centers, banks, auto car washes, sales and service centers, hotels, motels, theaters, offices, commercial trade training facilities and like uses to serve Pinelands residents and travelers.

(2) Within that portion of the Forest Commercial District designated as FC-S (Forest Commercial - Sending) on the Borough Zoning Map:

(a) Those uses permitted in the Forest Area Districts pursuant to § 200-15A, except that single-family detached dwellings shall be permitted only if in existence as of November 12, 2019.

B. Conditional uses by permit. In addition to the above permitted uses for the Forest Commercial District, there shall be permitted the following uses or necessary accessories to the above-described permitted uses upon obtaining a conditional use permit from the Planning Board, subject to the standards and regulations set forth herein:

(1) Low-intensity recreational uses in accordance with § 200-65B

(2) Public service infrastructure in accordance with § 200-65G

C. No change.

D. Prohibited Uses. The following uses are specifically prohibited in the Forest Commercial District:

(1) New or used auto sales or auto service centers

(2) Uses of an adult-oriented nature, including massage parlors, etc.

(3) Drive-in and fast-food restaurants

E. through G. No change

H. Signage. To the maximum extent practical, the character, composition and construction materials of all signs shall be harmonious with the rural character of the Pinelands. There shall be no flashing or neon signs permitted in the Borough.

XVII. Article IV, District Regulations, §200-17, RD Rural Development District, is hereby amended through the addition of the following as Subsection C:

C. Prohibited uses. The following uses are specifically prohibited in the Rural Development District:

- (1) Uses of an adult-oriented nature, including massage parlors, exotic dancing, etc.
- (2) Drive-in and fast-food restaurants.

XVIII. Article IV, District Regulations, is hereby amended through the addition of the following as § 200-17.1, RDC Rural Development Commercial District:

§ 200-17.1. RDC Rural Development Commercial District

A. Permitted uses. Within the Rural Development Commercial District, no premises, lot, land, building or structure shall be erected or altered to be used or developed and no building shall be used in whole or in part unless it complies with Table 1 and the following regulations:

- (1) Recreational facilities, other than amusement parks;
- (2) Agricultural products sales establishments;
- (3) Agricultural processing facilities and other light industrial uses;
- (4) Community commercial uses consisting of roadside retail sales and service establishments, bars, taverns, restaurants, garden centers, banks, auto car washes, sales and service centers, hotels, motels, theaters, offices, commercial trade training facilities and like uses to serve Pinelands residents and travelers;
- (5) Signs in accordance with the standards of § 200-23 and § 200-24. To the maximum extent practicable, the character, composition and construction materials of all signs shall be harmonious with the rural character of the Pinelands. No flashing or neon signs shall be permitted;
- (6) Accessory uses;
- (7) Public service infrastructure in accordance with § 200-65G
- (8) Single-family detached dwellings in accordance with § 200-17(A) above, provided such dwellings are in existence as of November 12, 2019.

B. Prohibited Uses. The following uses are specifically prohibited in the Rural Development Commercial District:

- (1) Residential development not in accordance with A(8) above.

- (2) New or used auto sales or auto service centers
- (3) Uses of an adult-oriented nature, including massage parlors, exotic dancing, etc.
- (4) Cemeteries
- (5) Drive-in and fast-food restaurants
- (6) Resource Extraction
- (7) Solar energy facilities

C. Building length. Development is encouraged in the form of cluster building rather than linear development. Development should be carried out in a “campus” style subject to limitations based on site size and configuration. Strip-type retail development is discouraged in this zone. To encourage development in that form, a significant building offset and roof offset of at least five feet is required for every 60 feet of building length.

D. Landscaping and screening. A landscaping plan must be submitted for the entire site. The plan must be consistent with § 200-43D and address buffer planting requirements, parking requirements and plantings in the public use areas and any area to remain undeveloped.

- (1) All parking islands shall be a minimum of eight feet wide.
- (2) A minimum of one shade tree and two bushes for every eight parking spaces shall be planted inside the parking area, and one shade tree for every 30 feet of curb or paving edge, not counting the planted buffer, is required.
- (3) No parking lot shall contain more than 20 spaces in a row without interruption by a landscape divider at least eight feet in width.
- (4) A twenty-five-foot natural buffer is required along all lot lines, excluding the lot frontage. The applicant is required to submit a detailed clearing plan for approval by the Board. Buffer and landscape plantings are required to supplement the existing natural buffers when necessary.

G. Parking requirements. The minimum parking standards for all development shall be in accordance with the parking requirements set forth for the Forest Commercial District at § 200-16. G.

E. Conditional Uses. In addition to the above permitted uses for the Rural Development Commercial District, there shall be permitted in this district the following uses or necessary

accessories to the above-described permitted uses upon obtaining a conditional use permit from the Planning Board subject to the standards and regulations set forth in this chapter:

- (1) Public service infrastructure in accordance with § 200-65G
- (2) Nursery schools and day-care centers
- (3) Institutional uses (excluding cemeteries)

XIX. Amend Table I: Use, Area, Yard and Bulk Regulations as follows:

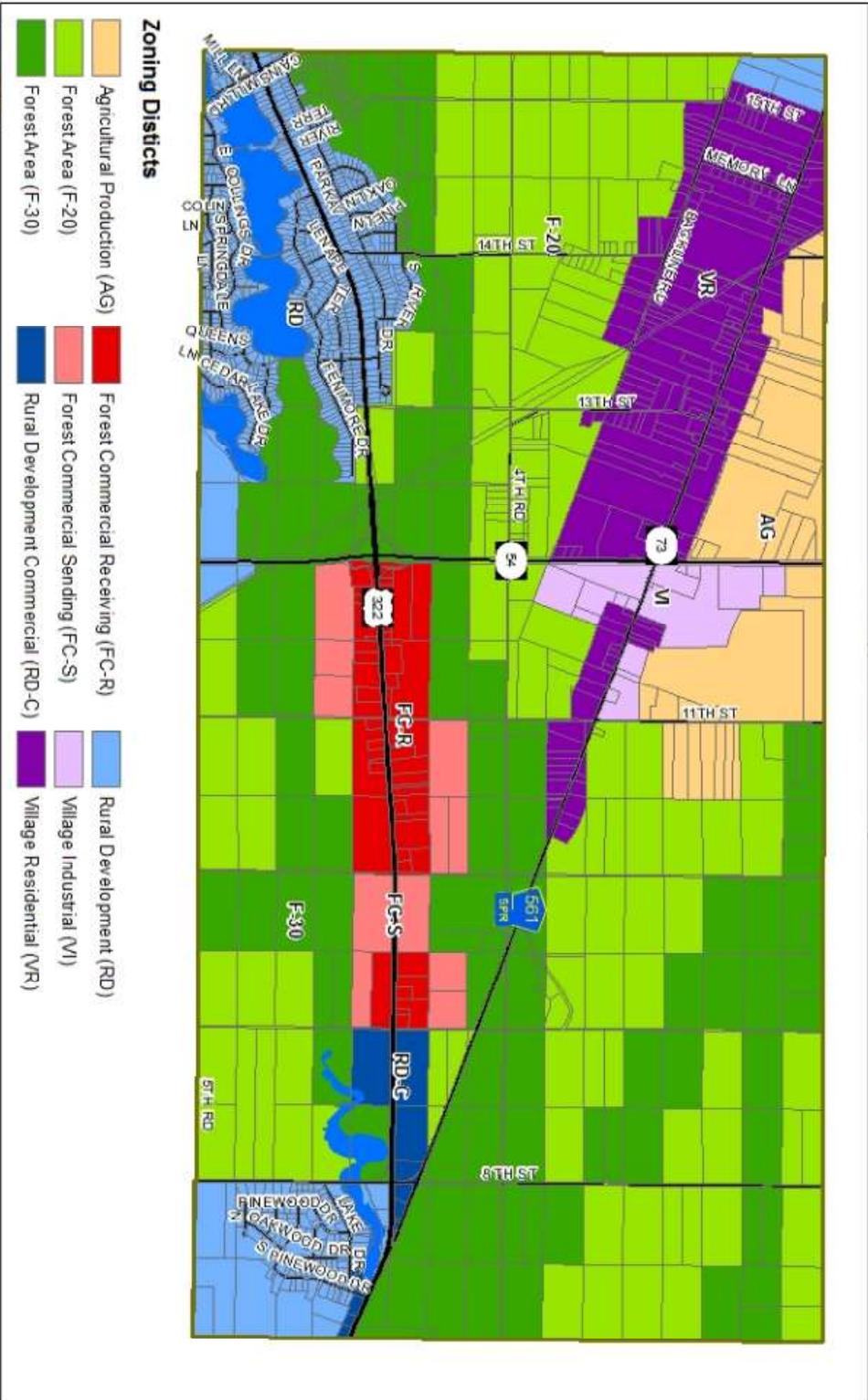
Table I
Use, Area, Yard and Bulk Regulations (Schedule of Limitations)
[Amended TBD-2019 by Ord. No. TBD-2019]

District	Area (acres)	Lot Width (feet)	Lot Depth (feet)	Yards (feet)			Coverage (percent)
				Side	Front	Rear	
AG	40	300	500	75	200	100	3%
F-20	20	300	500	75	200	100	3%
F-30	30	300	500	75	200	100	3%
FC	2	150	200	25	75	25	25%
RD	5.5	150	200	30	75	25	10%
[RDC	1.0	150	200	25	75	25	25%]
VR	2	135	200	20	75	50	20%
VI	2	200	200	50	100	50	25%

NOTES:

- (1) Regulations may be reduced for environmental or physical limitations (see text).
- (2) Maximum height in all districts is 35 feet.
- (3) Notwithstanding the minimum lot areas set forth above, no such minimum lot area for a nonresidential use within the AG, F-30, F-20, FC, or RD or RDC Districts shall be less than that needed to meet the water quality standards of § 200-47B(4), whether or not the lot may be served by a centralized sewer treatment or collection system.
- (4) The minimum lot areas set forth above for the F-20, F-30, and RD Districts are for existing lots of record. Residential development of two or more units in these districts must be clustered on one acre lots in accordance with § 200-15A(1) or 17A(1)

Folsom Borough Zoning District Map



Zoning Districts

- Agricultural Production (AG)
- Forest Area (F-20)
- Forest Area (F-30)
- Forest Commercial Receiving (FC-R)
- Forest Commercial Sending (FC-S)
- Rural Development Commercial (RD-C)
- Rural Development (RD)
- Village Industrial (VI)
- Village Residential (VR)



**BOROUGH OF
FOLSOM
NEW JERSEY**



Date Prepared: October 2018



Sources: NJOGIS, NJDCA
Borough of Folsom

XX. Repealer. All former Ordinances of the Borough of Folsom which are in conflict with the provisions contained in this Ordinance are hereby repealed upon the adoption of this Ordinance.

XXI. Severability. If any part or parts of this Ordinance are held to be invalid for any reason such decision shall not affect the validity of the remaining portions of this Ordinance.

XXII. This Ordinance shall take effect after final approval and publication as required by law.

A motion to approve Ordinance#07-2019 was made by Councilman Arena and seconded by Councilman Schenker

Councilman Schenker asked a question regarding the Borough's sign ordinance. Greg stated he would like to see this updated.

There was a roll call vote with ayes all.

(Introduction/First Reading)

BOROUGH OF FOLSOM

ATLANTIC COUNTY, NEW JERSEY

ORDINANCE 2019 - 10

AN ORDINANCE VACATING AN UNIMPROVED STREET

BE IT ORDAINED by the Mayor and Council of the Borough of Folsom, County of Atlantic and State of New Jersey as follows:

WHEREAS, JTS Custom Builders has caused a professional land survey to be prepared relating to a plan for the street vacation of South Pinewood Drive, a 50 ft. wide unimproved right-of-way situate in the Borough of Folsom, County of Atlantic and State of New Jersey in a form as is annexed hereto as prepared by Howard A. Transue, Professional Land Surveyor, dated October 21, 2019 as to the legal description and October 17, 2019 as to plot for the street vacation; and

WHEREAS, the actual title to the area in question being that paper street between Block 3401, Lot 33 and Block 3401, Lot 38 in the Borough of Folsom and County of Atlantic, intersecting with Evergreen Drive (50 ft. wide) having no improvements made on the section of the paper street described in the plan prepared by Howard A. Transue, Professional Land Surveyor, of the Firm Schaeffer, Nasser and Scheidegg Consulting Engineers;

NOW, THEREFORE, BE IT ORDAINED by the Borough Council of the Borough of Folsom, County of Atlantic and State of New Jersey that the portion of South Pinewood Drive as is described in the annexed legal description and plot plan prepared by Schaeffer, Nassar and

Scheidegg Consulting Engineers, LLC on October 21, 2019 and October 17, 2019 respectively (true and correct copies of which are attached hereto and incorporated herein) is hereby vacated as to any interest held by the Borough of Folsom.

Section One. Repealer. All former Ordinances of the Borough of Folsom which are in conflict with the provisions contained in this Ordinance are hereby repealed upon the adoption of this Ordinance.

Section Two. Severability. If any part or parts of this Ordinance are held to be invalid for any reason such decision shall not affect the validity of the remaining portions of this Ordinance.

Section Three. This Ordinance shall take effect after final approval and publication as required by law.

A motion to approve Ordinance#10-2019 was made by Councilman Arena and seconded by Councilman Jantz

Councilman Hoffman and Councilman Schenker recused themselves from voting.

There was a roll call vote with ayes all.

RESOLUTIONS:

**RESOLUTION 2019-95
BOROUGH OF FOLSOM**

A RESOLUTION TO CANCEL CERTAIN GRANT RECEIVABLE BALANCES

WHEREAS, certain Grant Receivable Balances remain on the Balance Sheet; and

WHEREAS, it is necessary to formally cancel the receivable balance and its' offsetting appropriation reserve balance from the balance sheet; and

NOW THEREFORE, BE IT RESOLVED, by the Council of the Borough of Folsom, that the following grant receivable, appropriation reserve balances and appropriation reserve balances matching portion be canceled:

	<u>Grant Receivable</u>	<u>Appropriation Reserve</u>	<u>Cash Match</u>
2019 Alliance Grant	\$1,243.65	\$1,553.46	\$309.81

A motion to approve Resolution #2019-95 was made by Councilman Schenker and seconded by Councilman Hoffman

There was a roll call vote with ayes all

**Borough of Folsom
RESOLUTION NO. 2019-96**

**A RESOLUTION TO ACCEPT THE RETIREMENT OF
CATHERINE DEYOUNG**

WHEREAS, Catherine DeYoung has announced her retirement from the Borough of Folsom after twenty-six (26) years of service; and

WHEREAS, Catherine DeYoung retirement will become effective April 1, 2020 and;

WHEREAS, the Governing Body of the Borough of Folsom wishes to accept the retirement notice and express their appreciation to Catherine DeYoung for those years of service to our community.

THEREFORE BE IT RESOLVED, the Council of the Borough of Folsom extends to Catherine DeYoung its best wishes for many years of happiness during her retirement and accept the retirement notice.

A motion to approve Resolution #2019-96 made by Councilman Arena and seconded by Councilman Hoffman

There was a roll call vote with ayes all.

**BOROUGH OF FOLSOM
Resolution# 2019-97**

**A RESOLUTION AUTHORIZING THE TRANSFER OF APPROPRIATIONS IN THE
2019 LOCAL MUNICIPAL BUDGET PER N.J.S.A. 40A: 4-58**

WHEREAS, N.J.S.A. 40A:4-58 provides that appropriation transfers may be made during the last two months of the year;

NOW THEREFORE, BE IT RESOLVED, by the Council of the Borough of Folsom, County of Atlantic, State of New Jersey that the following transfers be made:

<u>Account Description</u>	<u>Account Number</u>	<u>From</u>	<u>To</u>
Clerk - Salaries & Wages	01-20-120-011	1500	
Clerk - Other Expenses	01-20-120-020		3,000.00
Legal Services & Costs - Other Expenses	01-20-155-020	1,700.00	

Engineering Services - Other Expenses	01-20-165-020		10,000.00
General Liability Insurance	01-23-210-094	15,000.00	
Worker's Compensation	01-23-215-095	4,000.00	
Public Buildings & Grounds - Other Expenses	01-26-310-020		3,000.00
Solid Waste Disposal Costs - Other Expense	01-32-465-020		5,000.00
Animal Control Services	01-43-490-020		1,200.00
		22,200.00	22,200.00
TOTAL			

A motion to approve Resolution #2019-97 made by Councilman Schenker and seconded by Councilman Arena

There was a roll call vote with ayes all.

2019-98 **TABLED**

**RESOLUTION 2019-99
BOROUGH OF FOLSOM**

A RESOLUTION ACCEPTING THE ENGINEER'S PROPOSAL FOR DESIGN SERVICES FOR THE PENNY POT PARK SENIOR EXERCISE EQUIPMENT -2019 CDBG FUNDING

WHEREAS, a proposal for design services for the Penny Pot Park Senior Exercise Equipment has been submitted by Polistina & Associates for approval of the council.

WHEREAS, the professional services are as follows:

- Construction Administration/Inspection \$5,500.000

NOW THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Folsom, County of Atlantic, State of New Jersey, that the proposal for design services submitted by Polistina & Associates is accepted and authorization is given for the 2019 CDBG Penny Pot Park Senior Exercise Equipment Project.

A motion to approve Resolution# 2019-99 was made by Councilman Hoffman and seconded by Councilman Arena.

There was a roll call vote with ayes all.

**RESOLUTION AUTHORIZING THE SALE OF THE GARRETT METAL
DETECTOR TO MULLICA TOWNSHIP**

WHEREAS, the Township of Mullica is in need of a Metal Detector for their Municipal Court;

WHEREAS, the Borough of Folsom has closed their Court in March of 2018 and is willing to sell their disabled (missing key) Garrett Metal Detector-MODEL PD6500I to Mullica Township for \$1,000.00 as is;

NOW THEREFORE, BE IT RESOLVED that the Borough Council of the Borough of Folsom authorizes the sale of the Metal Detector to the Township of Mullica.

A motion to approve Resolution# 2019-100 was made by Councilman Schenker and seconded by Councilman Arena.

There was a roll call vote with ayes all.

**RESOLUTION 2019-101
BOROUGH OF FOLSOM**

**A RESOLUTION APPROVING BRIGHT LED INCORPORATED TO APPLY FOR THE
SMARTSTART BUILDINGS PROGRAM ON BEHALF OF THE BOROUGH OF FOLSOM**

WHEREAS, Mayor and Council hereby gives approval to Bright LED Incorporated, 1000 Delsea Drive Bldg. I Suite 2, Westville, NJ 08093 to prepare and submit an application and related documents to New Jersey Clean Energy Program (NJCEP) on behalf of the Borough of Folsom;

NOW THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Folsom, County of Atlantic, hereby endorses the submission of the application to the New Jersey Clean Energy Program (NJCEP)and designates John LaPollo to ensure that the application is properly filed; and

A motion to approve Resolution# 2019-101 was made by Councilman Hoffman and seconded by Councilman Schenker

There was a roll call vote with ayes all.

SOLICITOR'S REPORT: John Carr reviewed his written report with Mayor and Council. John discussed the Opioid Class Action Lawsuit, Predatory towing and affordable housing.

FIRE CHIEF REPORT: Councilman Jantz read the fire report for Chief Donnelly.

The following incidents occurred in your community during the month of September and October 2019.

September 1 st	Vehicle Crash	Mays Landing Rd	17 Members Responding
September 16 th	Vehicle Crash	Mays Landing Rd	15 Members Responding
September 26 th	Wires Arcing	Seneca Ln	21 Members Responding
October 1 st Responding	Vehicle Crash	Mays Landing Rd	16 Members
October 14 th Responding	Brush Fire	14 th St	18 Members

The annual State Firefighters convention was held in September in Wildwood where an unfortunate accident occurred, and numerous folks were injured. This was a tragic accident that hit close to home for our department. A member from one of our neighboring departments was critically injured when a deck collapsed pinning him on the bottom of the pile. The department through their monetary donations and labor managed to remodel this firefighters home and made it handicap accessible within in a one week period which allowed him to come home and be able to rehab and get the care he needs so that he can hopefully recover at home with his family by his side. This was an undertaking that as the Chief I was very proud of. Along with this these members still worked on fire prevention programs assisting other communities nightly. We also had firefighters go to our local schools and do fire prevention with the students. Our annual open house was held which was very well attended by the community. Just a reminder anyone needing smoke detectors should contact the fire department or contact your town hall which can forward the information. Again, we are in the station every Tuesday night and we encourage folks to stop by and check us out. We also post information on our Facebook page, Twitter and our website clfd123.org.

ENGINEER'S REPORT: (Jen Heller)

Engineer's Report

November 12, 2019

NJDOT FY2019 Municipal Aid Project:

The plans and specifications have been reviewed and approved by the NJDOT and Conrail. We are asking Council for approval to advertise the project and to accept bids on December 4, 2019, with the project being awarded at the December 10, 2019 meeting. Council approved the plans and specifications at the August meeting, and there have been no changes to the project limits or scope of work.

CDBG/ACIA Penny Pot Park Senior Exercise Equipment:

We have a proposal on the agenda for the design and construction management for the Penny Pot Park Senior Exercise Equipment project. Once the resolution is approved by Council, we will begin the work to prepare revised plans and specifications for the project and have the project ready to bid so that construction can begin in the spring.

Ferris Associates:

The fall inspection for the Ferris Associates gravel pit was conducted on Wednesday, October 9, 2019. The inspection is to ensure continuing compliance with the conditions of the resource extraction permit, including, but not limited to, the condition of Fourth Road, signage, restricting access into the pit from adjacent properties, and the restoration of the mined areas. The owner and operator of the gravel pit continue to make an effort to keep the trespassers out of the pit and security cameras have been installed throughout the site. There have been no complaints by any residents about the operations at the site and the condition of Fourth Road remains satisfactory and clean with no signs of dirt being tracked onto the roadway. The Fall 2019 inspection report has been provided to the governing body and the Planning/Zoning Board.

INSPECTION REPORT

DATE: October 11, 2019

TO: Planning / Zoning Board of Adjustment

Borough of Folsom

FROM: Polistina & Associates

Vincent J. Polistina, PE, PP, CME

Planning / Zoning Board Engineer

RE: Ferris Associates

Application No. 03-PB-18

PA No. 4109.04

LOCATION: Fourth Road & Thirteenth Street

Block 1101, Lots 3-5

Block 2004, Lots 3 & 5

Block 2201, Lot 4

STATUS: Resource Extraction Permit Renewal - Spring 2019 Inspection

INSPECTION DATE: October 9, 2019

ATTENDEES: Jen Heller, Polistina & Associates

Linda Bloomfield, Owner

Richard Bloomfield, Operator/Manager

SITE INSPECTION COMMENTS:

1. The Applicant shall comply with all conditions set forth in Resolution #05-2018, including, but not limited to, the biannual inspections, continuous monitoring of the access to the site from all access points, and deterring trespassers on the site.

2. The Applicant received a conditional approval on June 20, 2018 in accordance with Decision & Resolution #05-2018. The Applicant has made progress in addressing the conditions from previous approval (Decision & Resolution #01-2017) and should continue with the efforts to comply with any of the outstanding conditions. The following are the conditions of approval set forth in the Decision & Resolution #05-2018:

A. The "illegally mined area located within 200 feet of the property line" referenced all the way back in the initial approval from the Pinelands Commission in 1986 have had some restoration and are continuing to grow in. The applicant should continue efforts to reclaim the areas which were cleared outside of the approved areas.

B. A forester shall be required to review the plan prior to any mining of wooded areas, provide recommendations, and prepare a plan that must be accepted by the Pinelands Commission and the Cape Atlantic Soil Conservation District prior to commencing.

C. The Operations and Maintenance Plan indicates that all truck traffic will utilize Fourth Road for access to the site. The condition of Fourth Road and the main entrance to the site will continue to be monitored by both the Applicant's Engineer and the Borough's Engineer at the biannual inspections. Based on those observations, the Borough Engineer will make a recommendation to the Board regarding the necessity of a performance guarantee for road repairs prior to the next resource extraction permit renewal period.

D. All access points into the site, other than the Fourth Road entrance, are to be blocked and continuously monitored for evidence of trespassers. "No Trespassing" signs will continue to be maintained around the perimeter of the site at a spacing of no less than fifty (50) feet. The Applicant's continued physical presence on the site, for example, by maintaining equipment and the temporary office trailer requested with this renewal application will help deter trespassers.

E. The Applicant and Operator agree to limit work start time to 7:00 AM. Employees may be on site for meetings, and set up prior to operations, at 6:30 AM. Applicant and Operator must continue to comply with all State and Borough noise ordinances.

F. All other conditions as stated in the 2016 approval shall remain in effect unless directly in conflict with the above conditions.

3. Based on the October 9, 2019 inspection, the areas of restoration on the site are acceptable and in good condition. The Applicant continues to address the access points to the site and continues to attempt to block off access to trespassers. Cameras have been installed throughout the site, and the entrance gate is locked outside of the operating hours. The Applicant shall continue to monitor the access points into the site for trespassers and substantial effort shall be made to eliminate access points.

4. Based on the October 9, 2019 inspection, the site is being actively mined and no complaints have been received regarding the site and the operations. Prior to the spring inspection, the Borough's

Zoning Officer received one complaint about trucks utilizing 13th Street, and this has been resolved and no additional issues have been reported.

FALL 2018	SPRING 2019	FALL 2019	SPRING 2020
<i>Date of Inspection</i>	Oct. 18, 2018	April 16, 2019	Oct. 9, 2019
<i>Access Points</i>	Needs to be addressed	Satisfactory	Satisfactory
<i>Restoration of areas already mined</i>	Satisfactory	Satisfactory	Satisfactory
<i>Restoration of areas outside of mining area</i>	Satisfactory	Satisfactory	Satisfactory
<i>Signage</i>	Satisfactory	Satisfactory	Satisfactory
<i>Condition of Fourth Road</i>	Satisfactory	Satisfactory	Satisfactory

MAYOR'S REPORT: Mayor stated that he was sorry he missed the last council meeting because his flight was delayed. Mayor DeStefano thanked Councilman Conway for his work on the Borough Newsletter. Mayor DeStefano wished everyone a Happy Thanksgiving.

COUNCIL MEMBER'S REPORTS:

Councilman Greg Conway: handed out to Mayor and Council the ACUA trash & recycling report. Greg reported that they received a Litter Grant that will go to purchase trash cans for the park that the students at Folsom School will paint.

Councilman Ken Jantz: asked residents to visit the Borough website or call Borough Hall with any street lights that are out.

Councilman Pagano: absent

Councilman Arena: reported that the Parks & Rec will be purchasing a new "Welcome to Folsom" sign for under \$1,000.00.

Councilman Hoffman: read the Public Works Department report. Councilman Hoffman reported that he inspected the intersections in Folsom with John LaPollo Public Works Superintendent and found no intersections that were overgrown. Jim thanked Council for moving forward with the LED Light Project. Councilman Hoffman also reported that the Clerk is looking into purchasing a drive up drop-off box for Borough Hall.

Councilman Schenker: stated that he would be attending the League of Municipalities Conference next month and would report on it. Councilman Schenker stated that he received a complaint about some of the children that are living at Pinecrest Motel that they are not letting other kids access the park. Greg handed Mayor and Council a copy of Resolution 2018-59 in which Councilman Schenker was censured along with a copy of a letter from his attorney asking for this resolution to be rescinded. Greg asked Council to take action and rescind this resolution.

Councilman Arena made a motion to rescind Resolution 2018-59 and it was seconded by Councilman Conway.

There was a roll call votes with ayes all.

PUBLIC COMMENTS OR QUESTIONS ON COUNCIL MEMBER REPORTS ONLY:

OPEN TO THE PUBLIC: No Comments

Mayor Lou DeStefano reminded the public that all other monthly reports are on file in the minute book and to please visit the Borough website with updated information along with the Folsom Borough Facebook Page.

The next regular meeting of Mayor and Council will be held on Tuesday, December 10, 2019 starting with the workshop meeting at 6:00 pm and continuing immediately thereafter with the regular meeting at Borough Hall, 1700 12th Street, Folsom, NJ.

With no other discussion the meeting was adjourned at 7:40PM.

Respectfully submitted,

Patricia M. Gatto
Municipal Clerk

