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THE PINELANDS COMMISSION
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LAURA E. MATOS
Chair
SUSAN R. GROGAN
Executive Director

General Information: Info@pinelands.nj.gov
Application Specific Information: AppInfo@pinelands.nj.gov

July 31, 2025

Michael K. Porretta, Jr. & Michael K. Porretta, Sr. (via email)
3206 Oakwood Drive
Hammonton NJ 08037

Re: Application # 1994-0275.008
Block 3301, Lot 1
Application # 1982-2564.009
Block 3404, Lot 1
Borough of Folsom

Dear Messrs. Porretta, Jr. and Sr.:

We have reviewed the information received on June 17, 2025, June 19, 2025 and July 28, 2025 concerning the above referenced applications. There are outstanding violations on both lots.

Since July 2022, we have sent a total of six letters (July 28, 2022, October 21, 2022, December 5, 2022, February 15, 2023 and June 8, 2023 and August 16, 2024) regarding the outstanding violations on both lots.

Stockpiling of brush and debris (landscaping use) on Block 3301, Lot 1 Application # 1994-0275.008

It is our understanding that this parcel is owned by Michael K. Porretta, Jr.

By letter dated August 16, 2024 we wrote indicating that review of the Forest Stewardship Plan (FSP) Amendment prepared by Pine Creek Forestry, LLC dated July 1, 2021 and amended July 16, 2024 for 20 acre Block 3301, Lot 1 indicated that one acre of the overall 20 acre parcel was removed from the FSP to account for a commercial use (landscaping business). We previously wrote that the submitted FSP amendment conflicted with your attorney's January 23 and 24, 2023 emails indicating that there was no commercial use (landscaping business) operating on Block 3404, Lot 1 and that all brush and debris had been removed from Block 3301, Lot 1.

We have reviewed a revised FSP Amendment received May 16, 2025, prepared by Pine Creek Forestry, LLC dated January 1, 2021 and amended July 16, 2024 and March 17, 2025 indicating a change in mailing address and land use. That revised FSP Amendment indicates that one acre of the overall 20 acre parcel was removed from the woodland acreage for "personal" firewood storage use.

Your attorney's June 17, 2025 letter indicates that no commercial use has been established on Block 3301, Lot 1. That email also indicates that all firewood will be removed from the parcel by January 2, 2026.

Based on information from Borough officials, a commercial use (landscaping business) continues to remain on Block 3301, Lot 1. Specifically, a commercial landscaping use continues to operate from the parcel and additional debris, rubbish and wood have been placed on the parcel.

The establishment of a commercial use (landscaping business) on Block 3301, Lot 1 prior to completing an application with the Commission continues to constitute a violation of the application requirements of the Borough of Folsom land use ordinance.

As indicated in our July 28, 2022 letter, Block 3301, Lot 1 is located in the Borough of Folsom's F-20 zoning district. Commercial uses are not permitted in the Borough of Folsom's F-20 zoning district.

To address the violation on Block 3301, Lot 1, please submit the following information as requested in our previous letters within 30 days of this letter:

1. A written statement confirming that all development associated with the commercial use (firewood, debris stockpiles, commercial vehicles and equipment) will be removed from the parcel by January 2, 2026. Upon completion, please also submit written confirmation from an appropriate municipal official that the commercial use (landscaping business) has been removed.

Commercial Use (landscaping business) on Block 3404, Lot 1 App #1982-2564.009

Review of available information indicates that this parcel is owned by Mr. Porretta, Sr.

Based on information from Borough officials, a commercial use (landscaping) continues to remain on Block 3404, Lot 1.

The establishment of a commercial use (landscaping business) on Block 3404, Lot 1 prior to completing an application with the Commission continues to constitute a violation of the application requirements of the Borough of Folsom land use ordinance.

As indicated in our July 28, 2022 letter, available information indicates that Block 3404, Lot 1 is located in the Borough of Folsom's RD zoning district. The RD zoning district permits single family dwellings on lots containing at least 5.5 acres. A Waiver of Strict Compliance (Waiver) from the residential density and lot size requirement for the development of the single family dwelling on 2.5 acre Block 3404, Lot 1 was approved with conditions by the Commission on April 2, 1992 (App # 1982-2564.002). The establishment of a commercial use on the 2.5 acre Block 3404, Lot 1 would be inconsistent with the density and lot size requirements of the Township land use ordinance and the CMP.

Additionally, the Waiver standards (N.J.A.C. 7:50-4.63) of the CMP provide that the existing dwelling shall be the "sole principal use" on the parcel. Because the Waiver authorized the development of the dwelling as the "sole principal use", the establishment of a second commercial use on the parcel would be inconsistent with these standards.

To address the violation on Block 3404, Lot 1, please submit the following information as requested in all of our previous letters within 30 days of this letter:

2. A written statement confirming that all development associated with the commercial use (firewood, debris stockpiles, commercial vehicles and equipment) will be removed from the parcel by January 2, 2026. Upon completion, please also submit written confirmation from an appropriate municipal official that the commercial use (landscaping business) has been removed.

As previously indicated, you reserve the right to complete an application with the Commission for a commercial use on either parcel. However, note that based on municipal zoning requirements, it is unlikely that an application for a commercial use would be approved. You may wish to speak with an appropriate municipal official to determine if the concerned use(s) would qualify as a home occupation in accordance with the Borough land use ordinance.

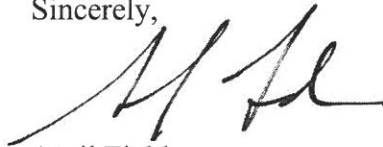
The Commission's regulations are contained in the Folsom Borough land use ordinance. Due to the Commission's lack of direct enforcement authority, the Borough has the primary responsibility for enforcing municipal land use regulations in the Pinelands. By copy of this letter, we are updating Borough of Folsom officials and asking the Borough's assistance in the investigation of the matter and issuing violation notices and municipal court summons, as appropriate. We are prepared to fully support the municipality and provide assistance, if necessary.

Please submit all application-related materials, including large reports and plans, in digital format to appinfo@pinelands.nj.gov. All plans must be electronically signed and sealed, in .pdf format and multiple plan sheets must be consolidated into one .pdf.

No further development of the parcels, including construction, clearing or land disturbance, may occur until an application has been completed with the Commission, copies of all appropriate municipal and county permits and approvals have been submitted to the Commission for review and the Commission issues a letter(s) indicating that any such permits and approvals may take effect.

If you have any questions, please contact Branwen Ellis of our staff.

Sincerely,



April Field
Chief Permit Administrator

- c:
- Secretary, Borough of Folsom Planning Board (via email)
 - Borough of Folsom Administrator (via email)
 - Borough of Folsom Zoning Officer (via email)
 - Borough of Folsom Construction Code Official (via email)
 - Borough of Folsom Environmental Commission (via email)
 - Angela Costigan, Esq., Municipal Attorney, Folsom Borough (via email)
 - Rich Fetske (via email)
 - Michael Malinsky, Esq., (via email)