



**TOWNSHIP OF GALLOWAY  
DEPARTMENT OF COMMUNITY DEVELOPMENT  
PLANNING AND ZONING BOARDS**

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Pamela K. Alleyne  
Planning/Zoning Board Administrator

**MINUTES  
GALLOWAY TOWNSHIP  
ZONING BOARD OF ADJUSTMENTS  
August 11, 2011**

Present: John Forsythe, Frank Gargione Jerry Hauslet, Mark Sykes,  
Ronald Huber, Alex Martin, Robert Mayer, and Bill Wrigley

Absent: Andrea Wescoat

Approval of Minutes: May 12, 2011

Approval of Bill List: August 11, 2011

#10-11 Joseph Martin  
508 S. Leeds Point Rd  
B. 1270 L. 1

Zoning District: NR (Neighborhood Residential)

Front Yard Setback

Proposed: The Front Yard setback: Required a 50' feet. The house is currently is situated 45' feet. The applicant is requesting a 14 foot setback so that he can construct a wraparound porch. The porch will be 31' feet from the edge of pavement on Leeds Point Road and 14' feet from the right of way line.

The applicant represents himself.

Porch 6' feet

14' feet to the ROW line

There is another 17' feet before you get to the edge of pavement.

31'feet to edge of pavement

No Public Comments.

Motion to grant application #10-11 Front Yard Setback approval was made by Hauslet and Wrigley 2nd the motion.

Those voting in favor: Forsythe, Gargione, Hauslet, Sykes, Huber, Mayer and Wrigley

Recused: Martin

#11-11 Fernando Ventura  
429 Willow Avenue  
B. 586 L. 13.01  
Zoning District: R-1 (Residential )  
Rear & Side Yard Setback

Proposed: The applicant is seeking approval for partially constructed deck, temporary pool and a shed in his rear yard.

Deck: The required rear yard setback is 25'. Existing: 20 feet.

Pool: The required rear yard setback is 10'. Existing: Zero feet

Shed: The required side yard setback is 3'. Proposed Zero feet.

Exhibits:

A-1 Disassembly and Storage Sheet for above ground pools.

The applicant represents himself.

**Public Comments:**

Michael Celenza, 430 Xanthus Avenue comments that the pool is directly on the property line and it affects their yard. It causes eroding of the soil. Mr. Celenza presented exhibits C1-C6 photographs showing the erosion. Have no problems with the deck and shed. Mr. Celenza is also concerned with the resale value if they decide to sell with the pool being so close.

Pamela Celenza, 430 Xanthus Avenue comments that the pool is too close to the fence and to the property line.

**Board Discussion:**

The board suggested that the pool and deck be moved. Board member Mayer suggested taking 10' feet off deck and moving pool back and moving the shed 3' feet. Some members thought too extreme. Board member Huber suggested taking 5' feet off deck and moving pool back 5' feet. If the deck is moved back it will be in compliance. The pool will need a setback of 5'feet.

John Rosenberger commented that the board should stay away from when the pool is dismantled this year. If the approval is granted then the pool and deck will have to be brought into compliance or code enforcement will take action.

Pool: Rear Yard Setback 5' feet. Whereas 10' feet is required

Shed: Side & Rear Yard Setback Zero. Whereas 3' feet.

Deck will be in compliance if moved back 5' feet

Motion to grant application #11-11 Rear yard setback approvals for the pool to be moved back 5' feet and the rear yard setback for the pool will be 5' feet was made by Forsythe and Mayer 2nd the motion.

Those voting in favor: Forsythe, Gargione, Hauslet, Huber, Mayer, and Wrigley

Those voting against: Sykes

Motion to approve application #11-11 Side yard setback approvals for the shed 3' feet was made by Huber and Mayer 2nd the motion.

Those voting in favor: Forsythe, Gargione, Hauslet, Huber, Mayer, and Wrigley

Those voting against: Sykes

#9-11 Metro Development

Pitney & Jimmie Leeds Rd

B. 1164 L. 1.04, 1.05 & 2

CVC (Community Village Commercial)

Proposed: The applicant proposes to construct, establish and maintain a vehicular fuel dispensing facility not limited to eight (8) multi-product fuel dispensers with sixteen (16) fueling positions, an overhead canopy and other related site improvements.

The applicant is represented by Steve Nehmad

**Exhibits:**

A-1 Aerial Photo- Neighborhood

A-2 Rendered Site Plan

A-3 Existing Conditions Survey

A-4 Definition- Accessory Structure

A-5 Definition Gasoline & Automobile Service Station

A-6 Master Plan Goals & Objectives

A-7 Trip Generation Comparison Table

A-8 Wawa Expansion Trip Generation Table

William Crane, Planner the conceptual site plan presented shows the condition of the site. The existing site is 1.49 acres. The additional area is 1.95 acres. The entirety of the 1.95 acres will not be used. The site will only use 1.2 acres of the site. The remaining site will remain in its natural state it is .75 acres to be used as a buffer. The site will have 62 parking spaces when completed. Once the project is completed the business will be operated as one facility. There are many uses allowed within the CVC zoning district. Restaurants including fast food restaurants are an allowed use. The fuel dispensing is subordinate to the principal use which is the Wawa. If it meet the definition of accessory use why are they before the zoning board. Cannot say with certainty that the principal use which is the Wawa will always remain principal. And without the principal use fuel dispensing pumps are not a permitted use within the township.

David Shropshire, Traffic Engineer

Wawa's with fuel in general do not generate a lot of what is called new traffic. About 76% of the people are already on the road way when they stop by Wawa for fuel.

According to the traffic report the peak hours are M-F 7am-9am and 4pm and 6pm. Saturday 11-2 consisting of pass by traffic that's already on the road.

Master plan cites the need to reduce vehicle trips. This application adheres to this because of the dual use on the site.

**Professional Comments:**

Tiffany CuvIELLO, Board Planner explains to the board when deliberating this application and its use and the impact of the property being developed as a gas station vs. it remaining the small doctor's office or it remaining vacant. It is not a comparison of that medical that is there now vs. what is being proposed tonight. It's what can be developed on this site vs. what they are proposing now. If the board approves the use variance the applicant would have to submit a full site plan. The application may or may not have variance that will be determined at Site plan review.

Steve Mazur, Board Traffic Engineer comments on his report dated July 5, 2011. One issue to be dealt with at site plan is the alignment of the driveway on Pitney road to the driveway at ShopRite. Pitney Road is a county road and they have jurisdiction. The traffic numbers that the applicant presented are the worst case scenario.

**Public Comments:**

Jim McElwee, 105 Misty Lane, Questions number of parking spaces and number of oversized spaces to the ear of the bldg. 62 parking spaces total and no oversized spaces proposed.

Mark Dellinger, 540 Seaview Avenue, States that it will be a benefit to the community.

Phillip Scardelli, 340 S. Pitney Rd expressed concerns with the traffic and his quality of life and his property if this application is approved. (Steve Nehmad will reach out to Mr. Scardelli through his nephew who is his attorney to discuss

issues such as the type of fencing he would want between the properties and buffering and if reasonable will provide.)

Tom Morgan, 410 E. Jimmie Leeds Rd bought property before the CVC zone was established, Concerned with the 24hr and large canopy and the proximity to his back yard. Concerned with the traffic. New traffic will be created. Not in favor of the application.

Barbara Morgan, 73 Winsor Drive, EHT did submit email dated June 4, 2010 to WAWA asking them to buy her property located at 410 E. Jim Leeds Rd for a super WAWA. Intentions of WAWA to purchase the residential lots and make it commercial not expanding around the residential neighborhood.

Ricky Harris, 33 Iroquois Drive, works in Atlantic City area and in favor of the WAWA being expanded so that it will have gas. The expansion will bring jobs and convenience to the resident in Galloway

Ado Santori, 105 Iroquois Avenue, Margate comments that he is in favor of the application. The application was presented professionally. The site plan shows that they have left a portion of the property undisturbed.

Dr. Robert Fillipaldi, 414 E. Jimmie Leeds Rd the application was presently professionally. The positive outweigh the negatives. The Wawa is currently open 24 hours. In support of the application.

Frank McGinley 776 White Horse Pike being a resident of Galloway for years have seen the changes over those years. This application approval will help put people to work. Questions will be asked and fine tuned when the site plan application is presented. Those items will be addressed at that time. In support of the application.

Sal Bruno, 301 S. Pitney Rd states that it will be a great and much needed asset to the Township and is in support of the application, WaWa is a class act.

Anna Jezycki, 706 Gale Lane states that the cars will be idling, and that gas has an odor this will be impairment to the surrounding neighbors. The Wawa is fine but the gas station does not belong there. This will also have an impact on the

road. It is not beautifying the Township. For ratables but also is concerned with the quality of human life.

Anna Berthold, 421 S. Eighth Avenue she lives near the municipal complex and see nothing but commercial, people walking the paths with their dogs and trailers . She is pleased with her location because she is able to walk to everything. She grew up next to a gas station less than 50' and it was not a problem. She is in support of the application.

### **Findings of Facts:**

Mr. Huber comments that the application was informative and precise application. When deciding on how to vote for an application he looks at whether the application benefits the public good more that it is detrimental to the public good. There were some opposed to the application but many more in favor of the application. Their planner has indicated that they will have to meet standards for the Town Center. Have addressed both the negative and positive criteria and it will not be a detriment to the master plan. It serves the public good more than outweighs. In support of the applicant

Mr. Martin comments that he is a lifelong resident of Galloway he has seen change. The change in this general area benefits those in the area. There will no longer be a need to drive to the WHP. It is not an obtrusive structure to the people, is in favor of the application

Mr. Mayer comments that the application will be an inherently beneficial to the community. They have met both the positive and negative criteria. He is in favor of the application.

Mr. Gargione comments that the application was great and that they have met both the positive and negative criteria. He is in favor of the application

Mr. Hauslet sitting on the Zoning Board is part of the process called change. People come to the board all the time asking us to change things. The members of the board weigh the positive and negatives and have done a good job in hearing those things tonight. It is the boards' responsibility to see that change is

positive and for the benefit of good, all peoples good. I believe the presentation and the Wawa applications is positive for our neighborhood.

Mr. Wrigley comments that he cannot think of a better company to represents themselves in our community. He is in support of the application.

Mr. Forsythe comments that he was kind of mixed on this application but was glad to see the amount of community that voiced their opinions. He thinks it is a plus for the community. He is in favor of the application.

Board Chair Sykes comments that it was an excellent presentation and it covered most of the bases there will always be some people that are bothered by an application. The site itself where the gas pumps are is about 8% coverage. Adding another egress onto Pitney Rd, there is another Wawa there. Probably many other uses would have a greater impact. With larger square footage which would need more parking. Office buildings are sometimes vacant on weekend which brings people in to do things that a detrimental. With Wawa you never see any kids hanging around you never see any problem they police it themselves. The experts presented the case excellent. In favor of the application.

Motion to grant application #9-11 Metro Development Use Variance for fuel dispensing pumps approval was made by Gargione and Wrigley 2nd the motion. Those voting in favor: Forsythe, Gargione, Hauslet, Huber, Mayer, Sykes, and Wrigley

The Board Chairman announced that it was 10 pm. With the amount public here it is no way the application for Risley Development will complete the testimony

and hear the public comments before 10:30.pm Therefore the application will be carried to September 8. This will be placed first on the agenda. There will be no new noticing required.

Meeting Adjourned      10:00 pm      Pamela Alleyne, Administrator