



**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**  
**September 8, 2011**

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

Absent: Frank Gargione and Andrea Wescoat

Approval of Minutes: August 11, 2011

Approval of Decision & Resolutions: #10-11 Joseph Martin,  
#11-11 Fernando Ventura and #9-11 Metro Development

Adopted as presented.

**New Appeals:**

#7-11 Risley Development

Towne Center Drive

B. 985 L. 8.02, 8.03, 8.04 & 8.05. Use Variance

CVC (Community Village Commercial)

Proposed: The applicant is requesting a "D (1)" use variance to permit 24 townhouse units.

**Exhibits:**

A-1 Arial photograph

A-2 Conceptual Site Plan

A-3 Architectural Photo

Charles Gemmel represents the applicant.

Norman Risley, member explains that he has marketed the parcel commercially for ten years and has been unsuccessful in selling the project. The site was listed during the economic boom as well as its downturn. The concept of the townhouses is that the resident would be able to walk to the area businesses. The live/walk concept. The townhouses will be available for sale. The list price will be \$225,000. The townhouses will be high end and will be marketed to urban professionals without children and 55+ members of society.

Dr. Richard Poncerio, Phd Regional Economics, Director of the Center of Regional Business Research at Atlantic Cape Community College has served as municipal planner and municipal land use official for Lower Township, NJ. Served as consult as it relates to land use and economic development for various regional townships within New Jersey, previous secretary of the board in Lower Township familiar with NJ land Use laws and the Galloway Township Land Use laws as it relates to this application.

Board Attorney John Rosenberger explains to the board that Dr. Poncerio is not a professional licensed planner he has testified to extensive planning experience you have a right to accept him as a planner or not. His planning credentials are different than what you are accustomed to hearing. The board was polled and they have accepted Dr. Poncerio as an expert.

Dr. Richard Poncerio explains, the special reason to be addressed to justify the application will not be a detriment to the master plan, it will not harm the public good it will compliment the intent master plan and zoning for the CVC zone as intended. The application will prevent urban sprawl with its medium density which will allow for clustering. It concentrates the residences near the place where they will shop. They will be able to walk to the area stores thus allowing for other parts of the township to remain green. This will make for a great mixed use, residential and commercial use. The residential use will benefit the uses in the CVC zone. A sustainable development allowing easier access to the commercial development in the area.

There are very few places where people can live and walk to commercial in this county. It's an unique opportunity. It's very compact to attract people and their dollars. Also the quality of life is high here.

David Shropshire, Traffic Engineer commercially uses that permitted would generate significantly more traffic that what is being proposed now. There is synergy between the residential communities and commercial developments so permitted uses within the CVC zone would attract trips to the commercial developments and reducing the trips by walking. The trip reduction would be great as compared to what is allowed in the CVC zone.

Public Comments:

**Kristine McGee, 425 Sixth Avenue** states that the Master Plans should be followed. No reason why the zoning laws should be changed to accommodate

Mr. Risley. Enough housing in the township already that is available. Site should remain commercial.

**Robert McGee, 425 Sixth Avenue** comments that in his experience as a fireman in Atlantic City who has since retired he has seen the garden apartments/townhomes cannot be sold and then the residences are sold as section 8 housing. Asked if they will be rented as section 8? *Will be built for sale.*

**Bob Wynne, 320 E. Key Drive** questions if there will be a need for a water retention basin? *Yes, it will be dealt with at the site plan application.* Was told that the townhomes would increase the sale of his home wanted to know how. Asked why the townhomes are priced so high. States that the price should be lowered.

**Russ Bowen, 232 Sylvan Avenue** questions how this is considered a ratable. *Anything would be a ratable. Anything that is constructed would become a further ratable.* Pristine location for a commercial ratable. Not helping the township it should remain commercial.

**Wayne Stevens, 312 E. Key Drive** comments that if it's a commercial building against a residential, would prefer commercial because at least then he would know when he is to hear noise. With it being residential the noise level could be 24 hours. The taxes collected from a commercial use would be more than if it's a residential use.

**Drew Fishman, 210 Woodcrest, Absecon** discusses the creation of the downtown district. This town center is a walk able community tying in business and residential communities. A smart growth concept. As you go through your communities you want to make sure that your community business are supported. This concept would do just that.

**Richard Price, 229 Odessa Avenue** comments that Mr. Risley has built nothing but quality, he would not put his reputation on the line by building poor quality homes. Someday you are going to see bike path around this area and become a golf cart area. It could become a reality but you have to start somewhere.

**Anna Jezycki, 706 Gail Lane** comments on the shopping that is available and if you have to do a whole week's worth of shopping you are going to take a

shopping cart back because you could not carry all those groceries. Wants a guarantee that no kids would be allowed. *They are going to be marketed to couples with no kids, however cannot guarantee.*

**Edward Baltera, 414 Highland Avenue** why are we trying to convince people that this is going to be a walking shopping center. Have you ever tried to walk across Pitney Rd to go to the supermarket? You can not make a town out of something that was not a town.

**Constance Nedohon, 310 E. Key Drive** resident for 41 year's discussed the impact of the environment and wildlife. Traffic in the area is very dangerous. It should remain commercial. The public should be allowed to vote on this. The residents should have more say. Should consider the impact to the community it's not going to get any better.

**Nicholas Nedohon, 310 E, Key Drive** bought in a residential area not a commercial area. Already have a retention pond in the area. Would suppose that they would tie into the existing basin. But that basin has standing water which causes mosquitoes.

**Mike Henschman, Ocean City, NJ**, owner of Glazed Over Store in Risley Square comments that he is in favor of the application. The additional housing will support the commercial business in the area. It also will not be an overburden to the school system.

**Michael Costa, 33 Waterview Drive**, comments that he has lived in the town for over fifty years. He commends Mr. Risley for putting his money into Risley

Square. He wants commercial growth in the town. The project will put kids in the school system. It will be a bigger tax burden in the taxpayers.

**William Kane, 337 Jimmie Leeds Rd, office units** wants to commend Mr. Risley for having the boldness and envision to build and invest in this community. We do not need more office space/retail in the community what is needed is more people living here more housing. If his office space were full it would employ 30 people. These additional homes next to the town center are a smart way to help the retail in the area but could also help the fill the office space in town. If you don't care if these office buildings go under because of foreclosure you should care about the loss of jobs in your area. The smart thing is to allow the application to go forward.

**Meg Worthington, 744 Whalers Cove** had an office with Risley Square and has been involved with the Township and has been involved with economic development within the town center. Serving on the economic development committee business owners discussed how to bring in some mixed use development to the downtown core center or the CVC. They wanted to see council take a look at that and create some standards. The area today has become stagnant and it needs some invigorating. It's a positive application and is in favor of it.

**Salvatore Bruno, 301 Pitney Rd** comments that he thinks it will be a nice addition to the area. A lot of people do not like change in this community. His property will border 12 of the units from one site to the other. Would prefer houses there instead of noisy commercial. If he did not live where he does he would buy one of the units himself.

**Shawn O'Brien, 318 Xanthus** commends Mr. Risley for being old and brave to bring this project forward especially in this economy. Anyone who would want to prevent this and its bringing jobs from the construction of these homes would be a wrong move. Change is hard to grasp. It's a pioneering idea.

**Kevin Clark, 501 Summerwood Place** comments that with the creation of the CVC zone the township wanted ratable looking at the concept you are going to

have commercial property on three sides of the residential it's going to be a hard sale. It should stay commercial. Who is to stop the next developer for wanting to do the same thing in other areas? We wanted commercial it should stay.

**Jim Bruno, 512 Heritage Court** in favor of the application. Everything that the Risleys' have done has been a success. Does not see why this project will not be a success as well.

**Roy Cressey, 238 Cologne Avenue** comments that he is in favor of the application. It will be a benefit to the township.

**Pat Ritcher, 258 Aschwind Ct** comments that she is for the project. She has been a resident for thirty years. Bought a house from the Risley ten years ago. The houses that they build are impeccable, they care a lot about the community and what they are proposing will be great for that community.

**Dianelle Giancole, 20 Club Place**, owner of business in Risley Square and a resident of Galloway for twenty years. The townhouses in the area will be good for the businesses that are in the area. It will help business. This zone is commercial the allowed uses are greater than what is being proposed.

**Christopher Black, 49 Delancy Ct, Mays Landing**, owners of Dynamo gymnastics located in Risley Square many of the concerns that are being heard tonight are understandable. To attract more ratables you have to make the community more attractive to the business that might come in. As much as he would like to believe that these 24 townhouses will help his business in the near future it is more about the community being more attractive to businesses owners as time goes on and will help the business district by people wanting to come in and wanting to be more innovative and bring in new and different types of business and over time the ratable will be worth the negatives that everyone has brought up tonight. In favor of the project.

### **Findings of Facts:**

**Board Member Robert Mayer** likes the idea of the project. One block over and we wouldn't be having this conversation. I think that the project will be a hard sale with having the commercial on three sides and the driveway in the middle.

**Board Member Alex Martin** comments that the site is not suited for this type of development not enough positive reason to change the zoning from commercial for this type of development.

**Board Member Jerry Hauslet** comments that he is a resident of Four Season @ Smithville where they are a walk able community. They do not send a single child to the school district but are active participants in the community. Mr. Risley ability to sell the townhouses is almost probable. It is a unique idea of something that can be successful and will have positive impact of our community; it is an extension of a residential area that is next to a residential area.

**Board Member John Forysthe** comments that there will be less traffic because its residential when comparisons are made to Pleasantville, Egg Harbor City Somers Point or Absecon they all have main arteries running through. No guarantee that the units will be sold and if the units are not sold it is a possibility that they will become rental units. It will have an impact on the Master Plan.

**Board Member Bill Wrigley** without change Galloway twenty years ago was nothing. How many people were opposed to that big shopping center that is here. The negatives that were heard today were hooray for me and the heck for the future and anybody else. The main issues were the children in schools. Someone had to pay for me to get an education someone had to pay for my children and my grandchildren to get an education. Our children are this countries natural resource.

**Board Member Ron Huber** comments that he has heard a lot of positives from the applicant and the public. Our job is to look at if the positive and negative criteria to see if it's been satisfied. Not sure if it has since you can't sell a

commercial parcel that has been on the market for ten years its now time to build residential. If in ten years the parcel could not be sold to create ratable then it's not helping the residents and not getting the extra taxes it needs in order to support the township and residents as well. You have to weigh what might be good or bad for some people but what will be good for the community as a whole. **Board Chair Mark Sykes** comments that it was a good presentation. There are a lot of approved commercial that has not even been built yet. Did not see why commercial coming off Pitney road was a good idea back then. The master plan is always been tweaked. Everyone has the right to come before the Zoning Board for relief. We need a change to move in some direction. No benefit to anybody for the land to be there just collecting taxes. If you have a good system then you are going to generate more money for your house. In support of the application.

Motion to approve application #7-11 Risley Development Use Variance approval was made by Wrigley and Mayer 2nd the motion.

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

Those voting against: Forsythe and Martin

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#8-11 William Gabriel, Jr.

Clarks Landing Rd

B. 505 L. 1

Zoning District: PA (Preservation Area)

Proposed: A front yard setback in order to construct a single family dwelling Required 200' whereas 50" will be provided from the northeast line of Clarks Landing Rd, being 16.5ft from the County centerline for a total of a minimum of 65 ft from centerline which has been authorized by the Pineland Commission where 200ft is required for the construction of a single family dwelling and a detached accessory garage.

The applicant is represented by Tom Darcy. The parcel is in the scenic corridor the requisite scenic setback requirements of the certified municipal land use ordinance and the Pinelands Comprehensive Management Plan ( CMP) all buildings shall be located at least 65 feet from center line of all public paved roads. As this required setback is reduced from the 200 foot setback that would normally be required due to environmental considerations, the CMP and Galloway Township land use ordinance require that the lot shall be landscaped in order to provide screening from the road.

Barbara Wooley Allen Dillon , Planner gives testimony on the variances requested.

No Public Comments

Motion to approve application #8-11 Gabriel R approval for front yard setback was made by Huber and Hauslet 2nd the motion.

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

#5-11 Daud Panah, 343 S. Berlin Avenue, represented by Tom Darcy comments that in order to be cautious he submitted an application for the board in order that he may change the roofline to an approved accessory structure. It is not changing the footprint of the building.

**Board attorney John Rosenberg** states that a roof pitch line is not issue that the zoning board gets involved with. We do not have architectural enforcement authority. We see a plan as a conceptual we granted a footprint variance on the size of the building. The roof does not change that. The pitch line does not exceed the height requirements.

**Board Planner Tiffany Cuviallo** comments that the variance was granted for the square footage of the building changing the pitch line increases more live able space. If that is not that case that I am fine with it.

Board action is not required.

Meeting adjourned 10:20pm