



TOWNSHIP OF GALLOWAY  
**DEPARTMENT OF COMMUNITY DEVELOPMENT**  
PLANNING BOARD      ZONING BOARD OF ADJUSTMENT

**Heather Butler**  
PLANNING / ZONING BOARD  
ADMINISTRATOR

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MINUTES  
ZONING BOARD  
DECEMBER 11, 2014

The Meeting was called to order at 6:40 by Chairman Sykes.

**Present**    Richard Clute, Chris Coleman, Anthony DiPietro, Jerry Hauslet, Ronald Huber,  
Robert Mayer, Paul McColgan, Mark Sykes

**Absent**     Mike Greb

**Approval of Decision & Resolutions:**    #16-2014    Subcarrier Communications  
(Adopted)

**Approval of Minutes:**    November 13, 2014            (Approved)

**Approval of Bill List:**            December 12, 2014            (Approved)

The following professionals were sworn in  
Chuck Endicott and Tiffany CuvIELlo

## **New Appeals:**

### **#15-14 Don Purdy**

334 Waveland Avenue

B. 915 L. 1

Zoning District: CH

Variances Requested: "D(1)" Use Variance

The applicant is represented by Thomas Darcy, Esq.

Mr. Don Purdy and Mr. Harry Harper were both sworn in.

Mr. Darcy explained that this is an application for use variance only. The applicant is aware they would have to come back to the board for a future site plan. The existing conditions of the site consist of 2 buildings. These buildings were originally residences and later converted to businesses. The applicant is requesting to convert both buildings back to their original residential uses. The one building will be a 2 story 2 unit apartment building and the second will be a one story apartment building. A D1 variance is being requested because residential uses are not permitted in CH Zoning district. The applicant is also requesting a mixed use variance for a future commercial building that would be subject to a future site plan application.

Mr. Harry Harper was accepted as an expert witness as an architect and planner. Mr. Harper gave testimony explaining that the property is particularly suited for the proposed use. The applicant will be fixing up the houses and promote a desirable visual environment. All of the buildings and proposed buildings will promote the light, air and open space. Under the negative criteria there will be no substantial detriment to the neighborhood. The combination of the mixed commercial use and residential uses does promote the purposes of the master plan for the CH zoning district. Prior to any future site plan review or development of the commercial aspects Mr. Purdy will make arrangements to have public sewer brought into the property.

Tiffany Cuvillo, Township Planner read from her report dated December 2, 2014.

### **Board Questions**

Board member McColgan questioned what percentage of the property will be part of phase II.

*Most if not all the commercial improvement will probably be within the first 25 or 30 percent of the lot.*

Do you know approximately how many feet will be between the last parking stalls and the house?

*About 40 to 50 feet. There will probably be some sort of buffer put in.*

How far to the property is the city sewer connection?

*An easement would be needed from the front property owner and connect at the White Horse Pike.*

## Public Questions

None.

## Findings and Facts

Board member Huber stated this board has looked at applications like this before and it is a practical and beneficial use and would vote yes for this application.

Board member DiPietro stated this will be an improvement of the property and the area.

Board member McColgan stated that this section of Galloway Township that could use some improvement. It would be beneficial and sees no reason not to vote for it.

Board member Clute stated earlier that it would be an improvement and sees no reason not to approve this.

Board member Coleman stated it would be an improvement to the property and Township, and feels strongly about this project.

Board member Hauslet stated this area need development and wishes the applicant well.

Board member Mayer stated he agrees with the fellow board member and any improvement would be a nice improvement.

Chairman Sykes stated this would be an improvement and agrees with the other board members and would be in support of it.

A motion to grant application #15-14 a use variance to permit the reconversion of the existing structure to residential uses, one structure a bi-level containing two residential uses and the second structure a rancher containing one residential use was made by Huber and seconded by Clute.

All in favor: Coleman, Clute, DiPietro, Hauslet, Huber, Mayer and Sykes.

A motion to grant application #15-14 a mixed use approval for the site to allow portions of the site be developed commercially subject to the following conditions of approval:

1. The applicant will return to this board for site plan review.
2. The applicant will provide for a Woodland Avenue connector at such time the hotel is in place.
3. The applicant will remove from Waveland Avenue rite of way the existing parking spaces.
4. The applicant will otherwise comply with the conditional use stander as contained in the ordinance.

was made by Coleman and seconded by Huber.

All in favor: Coleman, Clute, DiPietro, Hauslet, Huber, Mayer, and Sykes.

**#17-14 Atlantic Concrete of Galloway, LLC.**

Galloway Road

B. 1171 L. 25.02 & 26

Zoning District: LID & NR

Variances Requested: "D(3)" Variance and Bulk Variances

Preliminary and Final Site Plan

The applicant is represented by Thomas Darcy, Esq.

Chuck Endicott, Zoning Board Engineer read from his report dated December 5, 2014.

Tiffany CuvIELlo addressed issues with completeness.

Mr. Darcy stated the physical structure is in operation in Delaware. The waiver for the submission of architectural drawings is being requested at this time but photos of the actual structure are with the application. The landscape plan will be given by Mr. Orlando and the applicant will work with the Board Planner to provide a landscape package.

Board member Huber questioned the waiver request of not having the architectural drawings.

A motion to approve application # 17-14 for completeness was made by Clute and seconded by Coleman.

All in favor: Clute, Coleman, DiPietro, Hauslet, Mayer & Sykes

Opposed: Huber

Mr. Tower; the applicant and Mr. Orlando; the planner and design engineer were both sworn in.

Mr. Darcy explained this application is for a conditional use approval for D(3) variances for preliminary and final site plan approval and checklist and design waivers. There are 2 existing lots Mr. Darcy referred to Exhibit A-1 a Site survey. There is lot 25.02 and lot 26, the original application was to be for both lots but they are now modifying the application to eliminate lot 26 from the application. The only property subject to the application will be 25.02. The second modification to the application is that they will no longer need the front yard setback variance for the office building.

Mr. Darcy explained that the proposed use is permitted in the zone. The first variance they are requesting is for lot area. The area of the property is 2.945 acres the minimum requirement is 5 acres. This is a pre-existing non-conforming lot. The second variance requested is for lot depth. They have approximately 300 feet of lot depth where 400 feet is required. The third variance is for ground water samplings. This property is next to the Galloway Township Landfill and the water samplings are so people who are working on the site do not encounter any hazardous materials but in 1989 there was no public water at the location. There is now public water available. The next variance is for the buffer to the landfill. The required buffer is 100 feet. The design waivers

requested are for curb and sidewalk, paved parking area, tree locations, lighting, landscaping and architectural drawings.

Mr. Tower explained he has been in this business for over 30 years and detailed the workings of the proposed concrete plant. They would be open Monday – Friday. Their typical hours would be 7:30am – 5:30pm. There would be 2 on site employees and start out with 4 trucks and drivers. There will be no electrical interference with the neighbors. He agrees that any lights on the facility would be shielded and not go on other properties. The operation would not increase any temperatures. There are dust collectors on the silo to prevent dust from coming out. The applicant will comply with both state and county noise ordinances. There will be no storage of combustible, flammable or explosive materials. Mr. Tower stated that he chose this site because it is a permitted use. Mr. Tower stated he agrees with what Mr. Orlando will be testifying.

Mr. Orlando was accepted as an expert as a Professional Planner and Engineer. Mr. Orlando referred to exhibit A-2 a Site Plan and A-3 an aerial view of the site with traffic plan to explain the existing conditions of the property and surrounding area. He then gave an explanation of what the applicant is requesting to do with the property. When the Township put the road in it created the issue with lot depth. In Mr. Orlando's opinion if they do not grant the variance for undersized lot it would deem the property unusable. The fact that public water is now available the risk of health risks to the employees has been eliminated. Keeping a reasonable 30 foot buffer of vegetation is adequate because they are a compatible use. The nearest residential building to the development envelope is at least 500 feet away with a dense area of freshwater wetlands and buffers between them. As per Mr. Orlando, this application does meet and exceed the lot coverage and open space requirements. The relocation of Galloway Road by the municipality in 2009 separated this lot from the balance of the parcel and created both the lot area and lot depth deficiencies. Mr. Orlando stated that is considered a classic hardship. In Mr. Orlando's opinion the deviations that are being asked for if not granted the site could not be developed to any extent and the site is suitable for this application. Mr. Orlando stated that this application satisfies the positive criteria for the granting of the "D(3)" variance and that there is no substantial detriment to the zone plan or to public good.

The applicant is seeking a waiver for the curbs and sidewalks due to the fact that there are none in the immediate location. The applicant is aware and willing to pay the contribution to the sidewalk fund.

Mr. Orlando stated that paving this lot would not serve any purpose. The crushed stone would also help with the ground water recharge. There are two concrete areas proposed. As a condition of approval the applicant will work with the Board Planner for the tree locations and landscaping. The lighting the applicant is requesting will have no impact on neighbors.

There was a break taken at 8:35 pm.

The meeting was called back into session at 8:49 pm.

Mr. Orlando referred to Exhibit A-3 and discussed the proposed truck routes.

Tiffany CuvIELlo, Township Planner read from her report dated December 2, 2014.

Tiffany did ask the applicant for more details about the dust collector. Mr. Tower explained how it works and not much noise.

Chuck Endicott, Zoning Board Engineer, read from his report dated December 5, 2014.

Mr. Orlando stated the only fencing at the site would be a split rail around the basin. There are security cameras there. The applicant has an application pending with the DEP at this time. Mr. Orlando stated the materials will be on site and will provide more detail on the revised plan. Mr. Endicott stated 1.5 foot candles at the entrance should be required but not the overall site. Mr. Orlando agreed with that. The applicant stated they are willing to comply with the storm water management requirements.

### Board Questions

Mr. McColgan asked the maximum amount of concrete the facility can put out in one day and how many trucks that would be.

*Mr. Tower stated that would be 15 trucks an hour. But they would not do that.*

How much acreage was lost with the movement of the road? Would it have made it a 5 acre parcel?

*Had the road not been changed there would have been 5 acres.*

Mr. Tower was asked if his other facilities like this are fenced in.

*Yes. The other facilities are fenced because it's required due to the mining that is done on the site.*

Mr. Coleman asked Mr. Tower how large the 4 main vehicles would be.

*They are tri-axle.*

Do the vehicles have a "jake break"?

*The 4 vehicles at the facility do not. Some of the delivery vehicles may.*

Will the deliveries be during normal operation hours?

*Yes.*

Do the inside of the trucks need to be cleaned at the end of the day?

*Usually they are cleaned at the last site they deliver to or have an agreement with a local recycle facility to clean them there.*

Mr. Hauslet asked about the basin.

*Mr. Orlando explained how the drainage works.*

Is the entrance way also the exit?

*Yes. It is a 30 foot wide concrete pad and has the ability to handle both in and out bound traffic at the same time.*

Mr. Mayer asked if when they removed lot 26 would there be less people noticed.

Yes.

How would you handle a 200 yard pour?

*Mr. Tower stated they would normally utilize the other plants.*

*The deliveries are from Mr. Towers other plants and he has control over the times they are made.*

Mr. Clute asked if the noise coming from the plant was louder or quieter than the Township tub grinder that runs through the summer at the landfill.

*It would be less. The plant generates very little noise.*

Will the entrance and exits be maintained?

Yes.

Mr. Huber asked when the sand, cement and gravel are brought in do they go into bins for storage.

*Mr. Endicott stated there will be stock piles in concrete bins with three walls.*

Mr. McColgan asked if diesel fuel was to be stored on the property.

No.

Mr. Sykes asked what the soils are.

*There are no restricted soils.*

What other uses are in the neighborhood?

*Mr. Darcy stated that across the street is an industrial building. The nearest residential house is about 500 feet from the building envelope.*

## Public Comment

Kathleen Gonzales of 156 Sylvan Avenue stated her concerns about the traffic and pollution.

Jeff Conover of 609 Galloway Road stated his concerns about the visual and traffic impact on the area.

David Dunfee of 159 Sylvan Avenue stated his concerns with the cleaning of the trucks, septic system, fuel storage and noise.

Nancy Rubin of 601 Galloway Road stated her concerns of traffic and feels it is not right for the community.

Craig Lewis of 86 Iroquis Drive stated his concerns about the condition of the road, ground water and traffic.

Lisa Dunfee of 159 Sylvan Avenue stated her concerns about the dust, traffic, noise, and taxes.

Jeffrey Andrews of 162 Sylvan Avenue stated his concerns about traffic, noise and the utilities that are underground.

Mark Tozer of 181 Old Port Road stated his concerns of traffic, road conditions and sidewalks.

Norm Risley of 253 Aschwind Court stated he has bought concrete from Action Supply and if he wants to speak with Mr. Tower he will answer the phone. If you're going to

have someone come into the Township and run a facility he would like to see Mr. Tower be the one to do that.

Mr. Darcy consented to waive any deadlines.

A motion to continue application #17-14 to February 12, 2015 was made by Coleman and seconded by DiPietro.

All in favor: Coleman, Clute, DiPietro, Hauslet, Huber, Mayer and Sykes

Mr. Rosenberger informed the board that in the Bacharach Rehabilitation Vs. Galloway ZBA lawsuit has been dismissed by Judge Mendez.

The meeting was adjourned at 10:30 pm.

Submitted by Heather Butler, Administrator