



Heather Butler
PLANNING / ZONING BOARD
ADMINISTRATOR

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

300 E. JIMMIE LEEDS ROAD, GALLOWAY, NJ 08205
(609) 652-3700 EXT. 218 FAX: (609) 652-5259

**MINUTES
ZONING BOARD
REORGANIZATION MEETING
FEBRUARY 13, 2020**

Vice Chairman Chris Coleman called the meeting to order at 6:31pm.

Present: Jason Babin, Salvatore Bancheri, Bob Birch, Chris Coleman, Ed Sperling,
Muhammad Umar

Absent: Chuck Filling, Bruce Kern, Paul McColgan

APPROVAL OF MINUTES: January 9, 2020 **(Approved)**

APPROVAL OF DECISION AND RESOLUTIONS:

1A-20 - Solicitor: Dasti, Murphy, McGuckin, Ulaky, Koutsouris & Connors **(Approved)**

2A-20 - Conflict Solicitor: Ridgway Legal **(Approved)**

3A-20 – Engineer/Planner: Polistina & Associates **(Approved)**

4A-20 - Conflict Engineer: Doran Engineering **(Approved)**

APPROVAL OF PROFESSIONAL CONTRACTS:

Solicitor: Dasti, Murphy, McGuckin, Ulaky, Koutsouris & Connors **(Approved)**

Conflict Solicitor: Ridgway Legal **(Approved)**

Engineer/Planner: Polistina & Associates **(Approved)**

Conflict Engineer: Doran Engineering **(Approved)**

Board Engineer/Planner Jen Heller was sworn in.

NEW APPEAL

#01-20 John Fazekas
247 S. New York Rd.
B. 1167.01, L. 21.02
Interpretation

Sworn in: Tom Darcy, PP and John Fazekas.

Exhibits: A-1 – Chapter 233-25.1 of the Galloway Township Land Management book.
A-2 – Letter from Mr. Darcy dated 2-14-2020

The applicant has received a conditional minor subdivision approval from the Galloway Township Planning Board to adjust the common lot lines between lots 21.01 and 21.02. The applicant is proposing to demolish the existing dwelling on existing lot 21.02 and construct a new single family home.

The applicant is seeking an interpretation relating to the demolition and reconstruction of a single family residential use existing upon adoption of the ordinance as part of a Unified Development Project in the CC-2 zoning district.

The first interpretation that the applicant is requesting is:

“When an existing single family dwelling is a permitted use in the CC-2 zone pursuant to Chapter 233-25.B(3), does the demolition and reconstruction of that existing single family as a Unified Development Project require a Use Variance?”

Mr. Darcy read Chapter 233-25.1 A and 233-25.1 B to the board. He then pointed out that existing single family dwellings are a permitted use in the zone.

The second interpretation the applicant is requesting is:

“If a Use Variance is not required for the above Unified Development Project, is an approval to demolish and reconstruct the single family dwelling on lot 21.02 still necessary so that the lot does not become “vacant” by way of the demolition.

Mr. Darcy stated his case that an approval would be required.

The third interpretation requested is:

Does the Zoning Board concur that the Planning Board has jurisdiction to grant such an approval to demolish and reconstruct the single family dwelling under their ancillary jurisdiction as part of a Minor Subdivision Application as they did in PB application 21-08.

Mr. Darcy stated his case that the Planning Board does have the jurisdiction.

Jen Heller read from her report dated 2-12-2020.

Public Comments

None.

Board Questions and Comments

Board member Umar wanted to clarify that there was an existing building on the back lot.

Yes.

Board member Sperling asked if the use would continue as residential and also asked if anyone was living in the old building now.

Yes. The applicant is living in one house and his brother is in the other.

Board member Birch stated that he thinks the ordinance was written for residential to remain as residential.

Board member Babin asked about the lot lines and the 2008 application that he referenced.

Board member Coleman confirmed that there are 2 existing lots each with a home one it.

Finding and Facts

Board member Birch stated that he does not have a problem with the interpretation.

Board member Sperling stated that he has no issues at all.

Board member Umar stated he has no issues.

Board member Bancheri stated he has no issues.

Board member Babin stated that he has no issues and what they want to do will be great for community.

Board member Coleman stated that a Use Variance should not be required.

A motion to state that a Use Variance would not be required when an existing single family dwelling is a permitted use in the CC-2 zone pursuant to Chapter 233-25.1B (3) was made by Sperling and seconded by Bancheri.

All in favor: Babin, Bancheri, Coleman, Sperling, Umar, Birch

Opposed: None

A motion to state that if a Use Variance is not required for the above Unified Development Project, is an approval to demolish and reconstruction the single family dwelling on lot 21.02 still necessary so that the lot does not become “vacant” by way of the demolition. The board finds an approval is required for such a Unified Development Project was made by Birch and seconded by Babin.

All in favor: Babin, Bancheri, Coleman, Sperling, Umar, Birch

Opposed: None

A motion that the Board concurs that the Planning Board has jurisdiction to grant Approval to demolish and reconstruct the single family dwelling for such a Unified Development Project was made by Bancheri and seconded by Umar.

All in favor: Babin, Bancheri, Coleman, Sperling, Umar, Birch

Opposed: None

Meeting adjourned 7:44pm