



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

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Pamela K. Alleyne
Planning/Zoning Board Administrator

MINUTES
PLANNING BOARD MEETING
January 17, 2013

The meeting was called to order at 7:00 PM. Ken Sooy chaired the meeting.

Swearing in of New Member: Pat Moran

Present: Bob Bruno, Tony Coppola, Jim Cox, Matt Geese, Tom Guercioni Dan Jones, Betty Mannis, Pat Moran, Don Purdy, Ken Sooy and Charles Wimberg

Approval of Minutes: January 3, 2013

Approval of Bill List: January 17, 2013

Approval of Resolution Releasing Escrow Money: #4-13

Approval of Resolutions and Professional Contracts:

#1-13 Solicitor, #2-13 Engineer and #3-13 Conflict Engineer

Adopted as presented

#1-13 Ole Hansen; Rezoning to eliminate age restriction in the Industrial (I) zone. The board agreed that this request should be first addressed with the Master Plan subcommittee. This meeting will take place on January 24 @ 6pm in Council Chambers. This meeting will be advertised. This meeting is open to the public.

Minor Subdivision:

#7-12 Carl Seitz

Eighth and Upland Avenues

Block 943 Lot: 24

Zoning District: RC (Residential Compatibility)

3 Lot Minor Subdivision

Proposed: The applicant proposes to subdivide an existing lot into three lots. The applicant also proposes to demolish the existing dwellings and construct three new single family dwellings. The lots will be serviced by public sewer and water. The applicant is seeking a variance for the lot area for each of the three new lots.

Exhibits:

A-1 Sheet 2 Minor Subdivision Plan

A-2 Drainage Plan

A-3 Bing Maps of Land Use on surrounding parcels of Block 943 Lot 24

The applicant is represented by attorney, Tom Darcy.

Carl Seitz, Applicant testified that he has cleaned up the site since receiving a citation from Code Enforcement for trash. Mr. Roesch has issued a letter indicating that approximately 95% of the property has been cleaned. The letter indicates a granting of 30 days to finish cleaning up the site. A three lot subdivision will conform more to what currently exists. The only difference will be the depth of the lots.

Bob Bruce, Engineer indicated that there were no wetlands on the property. It is not in the FEMA flood zone. A drainage area map was prepared which shows the existing and proposed conditions and the runoff pattern for the proposed lots. A detailed drainage and grading plan has been prepared and the development has complied with what is required. There will be no more increase of storm water with the proposed subdivision. There is a drainage pipe under Upland Avenue that accepts water from a Township basin that is the opposite side of Upland. The intent is to have the water flow down the drainage easement that is located on the property of lot 23.04 which comes with an easement of 30' wide by 475' deep. The intent is to transfer water. The pipe was extended because we have installed sidewalks. There is nothing done with this design to adversely affect the drainage to the adjoining lot. The same would be for two-four lots if proposed. The lots will have asphalt or concrete driveways with turnarounds. Sidewalks will be installed along Upland and Eighth Avenues.

Barbara Allen Woolley Dillon, Planner the applicant is requesting a flexible C2 variance for lot area. Not a "C" variance based on hardship. One acre is required whereas 30,700 square feet is proposed. No setback or coverage variance is requested. The applicant is providing a buffer whereas the ordinance does not require a buffer from residential to residential. The applicant has proposed the square footage of the houses in order for the tax assessment to be valued at \$90,000. The lots proposed fall within the character of the neighborhood.

Professional Comments:

Vince Polistina commented on a report dated November 27, 2012. The easement along the perimeter of lot 23.04 the deed restriction should include the words conservation/drainage easement. Along the frontage of Upland Avenue the 15' should be deed restricted so that the owner of the properties will not create a barrier or berm and they will be made aware that there will be water coming onto their property in that area. There is enough protection to ensure that there is proper drainage and the applicant has agreed to the comments contained in the report.

Tiffany CuvIELLO report is dated September 13, 2012. There are smaller lots in the area. And there are larger lots in the area. In the 1990's the zoning was changed to one acre lots to allow for the spread out feeling. The applicant proposes that they are not overdeveloping the area. Is this consistent to what you have now. If you look at the area view of the disturbed portion of lots then the lots proposed would appear similar. The difference is the wooded area to the rear of the other properties.

Public Comments:

Chris Rynkiewicz, 326 Upland Avenue, he is the adjacent property owner. He has done extensive research by reviewing the application that has been presented. Mr. Rynkiewicz read into record a great portion of a letter addressed to the board dated December 19, 2012 in which he firmly lists reasons why he objects to the application. He also presented the following exhibits:

P-1 Photos of water puddles taken on December 8, December 10-11, December 21, December 27-28, 2012 and January 16, 2013 along with rainfall amount reports of those same days.

P-2 Photo(s) of buffer taken on December 8, 2012

P-3 Photo provided by Bing maps of surrounding area

Michael Rykiewicz, 317 Upland Avenue. He and his family have lived there since 2006. He was attracted to the area because of the one acre requirement. He expresses his objections to the application because of the decrease lot area. He expresses the diminished property value because of that. The property can be developed by rite by having two lots instead of three. Financial gain should not be considered when considering variances.

Nancy Biglin, 324 Upland Avenue. Has lived there since 2000. The board should uphold the existing requirements of one acre and not grant the variances the applicant is requesting.

Linda Garris, 331 Upland Avenue expresses concerns with the existing traffic. During busy times during the day is the congestion. She and her husband have to be extra careful of the children in the area when pulling into her house. They have lived there for 15 years. Her property is over one acre. The applicant is proposing three lots the houses will not be spread out like the rest of the neighborhood.

Frank McGinley, 611 Sixth Avenue has lived in the area since 1976. As for history the property was a scrap yard. An easement was created to help with the drainage in the area. Originally the Highlands lot requirement was 20,000sq ft with a 100' of frontage. When sewer came the township did not want the Highlands to be developed like Pinehurst with 50' lots so they created the one acre lots to alleviate that.

Approximately \$17,000 in ratable will result in this subdivision. The applicant has gone above and beyond what is required.

Questions Mr. Seitz if the pipe was along the easement was clogged so the water could not flow into the easement.

Questions Mr. Darcy if Mr. Rykiewicz occupied the easement that is on his property?

Cellanna Rynkiewicz, 326 Upland Avenue is not in favor of the application. The existing conditions of the lots are horrible. It should be cleaned up. The applicant should not be allowed to put three homes there.

Board Questions:

Mayor Purdy: What is the hardship? The lots were purchased in 2012. The owner knew what the requirements were and how the property could be developed. The township will look at some the drainage issues in the area to help with their concerns. The board should look at the pros and cons of the development. Approve of the site being cleaned up. The neighbors take pride in their houses and their neighborhood.

Pat Moran: Deed restrictions are difficult to enforce. A lot of items do not get addressed by code enforcement because of being short staffed.

Bob Bruno: If we did not pass this tonight and the applicant is allowed byrite two lots. The existing house would be repaired and one new house would be built. The existing house is very close to the street and the new house would be further back. That would not be within the characteristics of the existing neighborhood. This is the last piece of the pie from when it was the scrap yard.

Condition of Approval;

Before the filing of the subdivision plat the house will be demolished and the site will be cleaned up.

The lots will be deed restricted to include a two story house of no less than 2130 square feet of living space.

A perimeter of 30' wide easement will be deed restricted as conservation Sidewalks along 8th and Upland Avenues.

Motion to approve application #7-12 Carl Seitz; 3 lot Minor Subdivision approvals was motioned by Bruno and seconded by Jones.

Those voting in Favor: Bruno, Guercioni, Jones, Mannis and Wimberg

Those voting Against: Moran, Purdy, Geese and Sooy

Absent: Coppola

Recused: Cox

Meeting adjourned at 11:00pm