



**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
April 18, 2013

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

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

Absent: Charles Wimberg and Betty Mannis

Approval of Minutes: March 21, 2013

Approval of Decision & Resolution: #3-13 Bruno

#1-13 Ole Hansen and Sons, Inc.
Block 453, Lot 2; Block 455, Lots 1, 2, 3 & 11;
Block 456, Lots 1, 2, 3, 4, 5, 6, 7, 8 & 9
Block 457, Lot 3.02; Block 458, Lot 1
Tilton Road ("I" Zoning District)
Zoning Change Request

The applicant is requesting a zoning change to permit family housing in the Industrial zoning district, Pinelands Regional Growth Area. The applicant received Planning Board approval in 2007 to construct 944 age-restricted housing units on the subject property. The zoning change would apply to the entire Industrial zoning district located along Tilton Road.

In accordance with the Municipal Land Use Law (N. J. S. A. 40:55D-26 & 64) the Planning Board is required to provide the Township Council with a report identifying any inconsistencies the proposed zoning change may have with the currently adopted Master Plan and recommendations concerning these inconsistencies. The Planning Board can make any other

recommendations that it deems appropriate relative to the proposed zoning change for the Council to consider.

Steve Nehmad represents the applicant.

The draft ordinance was reviewed and there are two aspects of the ordinance that was of concern. The original ordinance draft lot sizes minimum lot sizes for SF detached dwellings were 8,500 minimum lot sizes and a minimum lot width of 65 feet.

The present draft before you is a minimum lot size of 10,000 square feet and a minimum lot width of 90 feet at the building.

There reason for the request of smaller lot sizes and width is because the market today demands that the lot sizes be smaller. The home prices are in the range of \$225,000-\$275,000. They want the flexibility to respond to the market demands. Plus the lot sizes adjacent averages are within the prior minimum lot sizes. It is a sustainable design.

The ordinance allows four types of housing products: Single family detached and attached dwellings, Townhouses and Garden Style apartments. Garden apartments can only be of 15% of the total inventory. The original draft indicated 28 units could be three bedrooms. The most recent draft takes out the previously allowed three bedrooms. Would like to have the three bedrooms reinstated because there is currently and will continue to be in demand.

Board Professionals:

Tiffany CuvIELLO: The task of the Planning Board is really rather simple your task is to determine if the removal of the age restricted is consistent with the Master Plan and do you have any recommendations to go along with the zoning proposed change. The task of the Planning Board is rather simple, you have to determine if with the removal of the age restriction consistent or inconsistent with the Master Plan. And if you do you have recommendations to go along with the zoning changes.

The simple application was to take away the age restriction and send it back to Council. However this is a large application we wanted to take some time to see if we can have some control over the impact to the Township and have better control of the general development.

The Master Plan Sub Committee took time to address an ordinance that would address the many issues that the township may have. There were a few different versions of the ordinances. The two ordinances that are

before you are the General Development Plan which is modeled after the requirements of the Municipal Land Use Law; it requires an applicant to come in with a plan that addresses the conceptual overview of how the development will occur and then they can come in at different stages as the development occurs. It gives the developer some vested rights for a period of years because of the size of the project, it also give the board some control over how the plan is phased, how the circulation and recreation is implemented all those different items that are governed in Municipal Land Use Law.

The second ordinance is a more specific and detailed amendments to the zoning code under the Industrial Zoning District to allow for Planned Residential Developments will continue to provide for the same premises of the age restricted development same density, same restrictions as to land uses but with more definitiveness and more regulations to address the different types of housing units. We can agree that it does not have to be age restricted but we want to make sure that it has enough single family and not too many multi-family, we want to make sure that there is a balance of the different types of housing in the community. We limited the number of units per structure for townhouses and apartments, so you will not have a 100 unit building with 100 apartments in it. We also provided guidelines on the restriction of the number of bedrooms for the apartments, not the townhouses or the attached houses.

The subcommittee wanted the larger lot sizes they thought that it would create a better value. We put in specific design standards in terms of separation of the units, to ensure a better quality in the development. We are requiring garages with the townhouse units, external access for the multifamily units, no internal open space lots, a lot of it modeled as to how it was done at the Blue Heron Pines West. Lastly, a restriction of the size of the buildings and we also created architectural designs and control standards and addressed recreation for providing a clubhouse and pools and other recreation elements and open space for the multifamily community. These are items that the Master Plan Sub Committee came up with to address to the board.

The board is charged with deciding if the change of lifting the age restriction is consistent with the Master Plan or you can decide that it is not consistent with the Master Plan and still make recommendations about things that concern you.

Are these recommendations sufficient to address the concerns that the Planning Board would to insure a good quality development?

In terms of Master Plan consistency I have provided a report dated April 11, 2013, page 2 addresses the Master Plan consistency.

In 2003 the Township adopted a Master Plan and an Ordinance that said that age- restricted housing was a permitted use in the Industrial Zone. There was a need and a demand at that time. And this area was a location that was suitable for that use. In 2009 the State Legislator said that if age restricted housing was appropriate so was family housing as long as you met certain guidelines. The legislation governs our right as a municipality to govern and permit uses, if the legislation says that age restricted use can become a family use and if they say it is a permitted use by right then it furthers that it is consistent with our Master Plan. In addition to that we have already said that residential was appropriate, it is the type of residential that we are dealing with. There may be some type of impact associated with family type residential vs age- restricted, but it is still residential. Therefore, the board can find that there is a consistency with the Master Plan based on the Townships action in 2003 and the Legislators actions in 2009.

If this subject property was not able to take advantage of the Conversion Act I think that you could look at this a little differently. But because of they are qualified under that Act it has to go into your consideration. Now as a permitted use they are going to come in with an application under the Conversion Act, whether that happens or not we do not know ,if they get it approved will they build it that way. The ordinance that we provided is a way to say that we understand that you have a right to build under the Conversion Act here is an ordinance and a plan that creates a better planning alternative a better design community we hope that you would take advantage of this ordinance and give us a better development on the property.

Board Questions:

Board member Moran: What is the difference between the conversion act and what we are looking to do here? The conversion act will make them adhere to the project that was already approved, except for the low income housing difference. *Before they were going to use credits from the Hansen House, Development credits and the remaining would have been on an offsite lot.*

Planner CuvIELLO: Under the conversion they would have to demonstrate seven items, that there is adequate water, sewer, able to address parking according to the RSIS, and they are able to address any moderation concerning recreational needs they are allowed to build the 944 units that were already approved on the lots sizes that have been approved, they are not allowed to change the square footage of the building, but they are allowed to modify the internal configurations of the building and they are allowed and required to provide 20% low-moderate housing on site.

The Affordable Housing should be spread around. One hundred and Eighty Eight (188) should not be located in one area. It has been done in many areas and it provides a much needed service to our community. We could spread those units throughout the Township.

By them paying the 1% of the equalized value none of the units would have to be on their property.

Moran: The recreation impact area: In Pinelands and average builder would have to pay the \$5,000 recreation fee, however Ole Hansen went to court and it was determined that they would have to pay \$750 per unit and provide additional recreation on site. The recreation is for their on-site use only.

In 2003 an ordinance was created to add age restricted to the zoning district. And today this ordinance is being crafted to benefit Ole Hansen.

Planner CuvIELLO: we have to look at what is going to happen here and how are the Township going to make it better. Yes it makes it better for them (Ole Hansen) but does it also make it better for the town.

Nehmad: is this a better zoning and planning alternative or is it better to accept the conversion act. This plan gives a better alternative. It is better for the Township to have the capability to utilize the funds anywhere in the Township instead of having the units in one area.

Board member Coppolla: If the courts come back to say that Galloway Township is required to build 188 units is 1% enough money to build those units?

Planner CuvIELLO: The 1% will equate to 1.5- 2.0 million dollars, Ole Hansen already donated the land. Yes if you work in partnership with developers who use other funding mechanism.

Tonight the Planning Board role tonight is to say this proposed change to lift the age restricted is it consistent with the Master Plan. If you believe that this is consistent with the Master Plan are there recommendations that you want the governing body to consider if they are to adopt the ordinance. Mayor and Council adopt ordinances.

Any applicant has the right to request a zoning change for their property. Ole Hansen came in and asked for this change.

We know that they are going to come in the conversion bill and all the Planning Board can look at is sewer, water, recreation and parking. It goes back to what was approved. It would add low-moderate income housing, 5500 square foot lot sizes instead of the larger lot sizes, would not have architectural controls, control over the number of bedrooms units, and not have controls of the number of units in each structure.

2003 changed for age restricted it allowed smaller lot sizes. If it were approved for families then the larger lot sizes would be necessary to for families to have yards.

Public Comments:

Bob Muller: President of Blue Heron Pines West Association expresses his concerns; in favor of the Township having control and flexibility to make the project better, Need larger lot sizes to increase the value of the homes in the area. Also need housing to develop that corridor, however would like Township to retain control of the project.

Ron Huber: VP of BHP West Association, need larger lot sizes, with the conversion act the possibility of building smaller houses with smaller lot sizes. The proposed ordinance is a better plan. The western end of Galloway needs to be developed, especially Rt. 30. This ordinance is a compromise it is good for them as well as good for the residents in the area as well as the Township.

Tom Mitchell, 807 Clarks Landing Rd expressed opposition to the applicant's request. Cited concerns with the having the affordable housing centrally located. Expressed issues with the applicant and his ability to request another change to the zoning for the applicant.

Steve Nehmad issues closing statements concerning his client. His client brought forth this application because he thought that it was a better planning alternative. They will present an application before the board for the Conversion Act at a later date.

The Board has determined that this application be continued to an undetermined date. All in favor.

Meeting adjourned at 8:40pm