



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) 652-2027

Heather Butler
PLANNING / ZONING BOARD
ADMINISTRATOR

MINUTES
ZONING BOARD
APRIL 8, 2021

Vice Chairman Muhammad Umar called the meeting to order at 6:34 pm.

Present: Jason Babin, Haruner Bhuiyan, Calvin Ferrara, Ken Kachnic, Bruce Kern, Josh Smith, Muhammad Umar

Absent: Salvatore Bancheri, Paul McColgan

APPROVAL OF DECISION AND RESOLUTIONS:

#06-21 – Marghilano

(Approved)

APPROVAL OF MINUTES: March 11, 2021

(Approved)

NEW APPEAL

#03-21 Risley Development, LLC

New York Rd.

B. 1006, L. 23.03

Interpretation

The applicant is represented by Tom Darcy. Mr. Darcy stated that the property is split by the municipal boundary line with Absecon. There is no proposed development on the lot located within Absecon at this time. The applicant believes that a RV Park is a permitted use in this zone specifically under the “Community Commercial” use definition as a “retail service establishment” and/or as a “commercial recreation” facility.

Sworn In:

Kevin Dixon – Engineer

Norman Risley – Owner/Applicant

Mr. Dixon stated that as per Township Ordinance 233-4 defines “Community Commercial” used as: retail business and service establishments, including retail shops, personal service establishments, business and professional offices, banks, drinking establishments, hotels and motels, commercial recreation and public assembly halls, funeral homes, commercial parking lots and the like.

Mr. Dixon stated that the term RV or RV Park is not defined by the Township of Galloway. Then he stated that an RV Park falls into the definition of “Commercial Recreation” and discussed the Townships definition. “Leisure-time activities” were then discussed and he stated that is equivalent to passive recreation which he defined as including relatively all generally inactive and less energetic activities.

Mr. Dixon stated that the RV Park is a service that qualifies as a commercial use because it offers accommodations and services for a profit.

Township Ordinance 233-4 defining “Trailer Coach” and Trailer Coach Park” were then discussed. Then Township Ordinance 313-1 which defines a “Mobile Home” was discussed. In his opinion an RV does not qualify as a “Trailer Coach”.

Mr. Darcy stated that there was clearly substantial evidence that the RV Park is a permitted use in the CC-2 Zone as a “Community Commercial” use.

Board Questions/Comments

Board member Babin asked about the “Community Commercial” area, is there no specific language that allow for an RV Park.?

Mr. Dixon stated that as per his testimony, there is language that is better supported by other authoritative sources outside the ordinance.

In the Planned Commercial Recreation District talks about hotels, recreational facilities it talks and what he would think is an RV Park use. If they use that language for that district why would they not use the same language in the “Community Commercial” district?

Mr. Dixon discussed the scenic view on Rt.9 and other business along the route.

Board member Ferrara asked if there is a mandated maximum amount of time that a recreational vehicle is allowed to stay at one of these facilities.

Mr. Varga stated that he is not aware of any statute.

Board member Kachnic asked if there was a definition of “temporary” for length of stay.

Mr. Dixon stated that he is not sure if he can find a definition in the Galloway Code for the term. 233-4 stated that it also states commercial recreation and public assembly halls. He interprets it as all one phrase.

Mr. Dixon stated that he reads it as two separate things.

Board member Smith discussed his concerns with not having a definition for the length of time. Then discussed passive recreation. Will you be providing an area for the “passive recreation”?

There is no active recreation on the site. The passive recreation will be at their own sites.

Public questions/comments

Ms. Joanne Zappasodi, 624 E. Biscayne Ave, stated her objections to the interpretation.

Ms. Dorothea Heck, 702 Hammell Ln., discussed the term of RV, worries of what could happen down the road with the property. Will this be a year round establishment?

No.

Will there be electrical hook up? Will there be rules? Will they be allowed to grill and BBQ?

Yes.

Ms. Wendy Fitzgerald, 106 Bayview Dr. Absecon, discussed the difference between an RV and Trailer Coach.

Mr. Dixon stated that an RV is not a permanent living quarter, whereas a trailer coach is.

Public session closed.

A motion to determine the term “RV Park” is consistent and qualifies as a permitted use in the CC-2 Zone was made by Kern and seconded by Smith.

All in favor: Kachnic, Kern

Opposed: Babin, Smith, Umar, Bhuiyan, Ferrara

There was a two minute recess.

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“D” Use Variance

The applicant is requesting to table the Use Variance portion of the application until the July 8, 2021 Zoning Board meeting. All time requirements by the board have been waived. New noticing will be required at that time.

A motion to table to the July 8th Zoning Board meeting with re-noticing required was made by Babin and seconded by Kern.

All in favor: Babin, Kachnic, Kern, Smith, Umar, Bhuiyan, Ferrara

Opposed: None

Meeting adjourned: 8:12 pm.