



TOWNSHIP OF GALLOWAY
DEPARTMENT OF COMMUNITY DEVELOPMENT
PLANNING AND ZONING BOARDS
300 E. JIMMIE LEEDS ROAD GALLOWAY, NJ 08205
(609) 652-3700 EXT. 218 FAX: (609) 652-2027

Antoinette Mareno
Planning/Zoning Board Administrator

MINUTES
PLANNING BOARD
OCTOBER 20, 2022

Board Chairman Ken Sooy called the meeting to order at 7:01 pm, led the flag salute and read the following statement, "Notice of this meeting was published in the Press of Atlantic City on and posted in the Main Lobby of the Municipal Complex".

Present: Matt Ayers, Russell Banks, Lee Campbell, Rich Clute, Tony Coppola, Steve Fiedler, Matthew Geese, Tom Guercioni, Ken Sooy

Absent: Bill Ade, Russell Banks, Don Purdy

Approval of Minutes: September 15, 2022 **(APPROVED)**

Sworn In
Jen Heller

New Application

7-22 Jim Cox
Deer Run Ct
B. 1179.01, L. 25.01
Minor Subdivision

Chairman Sooy announced this application is being transferred to the zoning board and new noticing will be sent out.

6-22 Craig Montemurro
11 Equestrian Dr
B. 1179.03, L. 5.04
Minor Subdivision

The applicant is represented by Tom Darcy Esq. Prior to the presentation Mr. Darcy spoke extensively on Equestrian Drive's status with in the Smithville Community Association. It is his legal opinion that the SCA has no jurisdiction on the planning of Equestrian Drive, as the home owners pay no dues to the SCA. Mr. Darcy's documented legal opinion is marked as exhibit 2.

Board Attorney Ridgeway agreed with Mr. Darcy and stated it is beyond this board's jurisdiction to decide if this property is legally obligated to join the SCA. The board's jurisdiction is to interpret this application under the municipal land use law and the ordinances of Galloway Township.

Chairman Sooy announced the application will be heard with no reference to the SCA.

Mr. Darcy proceeded with his presentation, and the applicant, Craig Montemurro, was sworn in. The applicant is requesting a two lot subdivision with lot variances for each. The applicant would like to remove a one acre parcel from his property and turn it into a second property which he intends to build a new single family home on in the future. Mr. Darcy explains that this area was previously zoned under the PUD, which requires only 6,000 square foot area, but has since be rezoned. Under the PUD the one acre property would conform. Darcy points out that there are many lots with in the 200 foot area that are still undersized, conforming to the PUD zoning only.

The applicant is also seeing a "D" variance for planning. Equestrian Road is a private road which receives no service from the township in the form of road maintenance or watershed management. The code states that all properties must include access to a public road. Since Equestrian is a private road a variance is necessary to allow the development of a lot with no direct access to a public road. In the past this variance has been granted to the three other property owners on the street, as this private road is wide enough to grant access to emergency service vehicles.

Mr. Darcy states the creation of the new lot will promote a desirable visual affect. This area of the township was previously known as the Equestrian Center and housed many horses. As such, this property contains two very old, run down, horse stables. As no accessory structures are allowed on a lot with no principal structure, these stables will need to be removed. Mr. Darcy proposes posting a performance guarantee in an amount sufficient to the board engineer, guaranteeing that the stables will be removed either at the time of the application for a building permit, or in one year, whichever comes sooner.

Both yards will contain significant front, side, and rear yard setbacks. The applicant is also proposing to deed restrict the rear 35 feet of both lots as permanent open space. Combined with the 35 foot deed restriction on the rear of the houses fronting Pembroke, will give a total of 70 feet permanent open space between these two lots and their rear neighbors. Mr. Darcy requests the record reflect a number of calls received from neighbors on Pembroke expressing contentment with this project so long as the 35 foot deed restriction stay with the land permanently.

Mr. Darcy states this subdivision will not alter the character of the neighborhood. There are seventeen lots that back up to these two, all of which are significantly smaller than the proposed lot. He also adds that the proposed home will be connecting to the township sewer.

Board Engineer Jen Heller deemed the application complete and agreed to the performance guarantee proposed. She requested the fire department review the width of the road to ensure accessibility.

Board Attorney Ridgeway agreed that he is satisfied with the application. Mr. Darcy agreed that his client is willing to address all of the comments in the board planner report.

Mayor Coppola requested the D&R reflect the fact that Galloway Township is in no way responsible to pave this road or maintain the road now or at any point in the future. Mr. Darcy agreed to include that in the deed.

A motion to deem the application complete was made by Mayor Coppola and seconded by Mr. Guercioni. All board members voted yes.

Mr. Coppola motioned to grant the subdivision, Mr. Guercioni seconded. All board members voted yes.

Public Comment: none.

Meeting adjourned: 7:52 pm