



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

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Antoinette Irwin  
PLANNING / ZONING BOARD  
SECRETARY

**MINUTES**  
**ZONING BOARD MEETING**  
**June 8, 2023**

Board Chair, Jim Cox, called the meeting to order at 6:30 pm.

The Sunshine Law was read.

Present: Muhammad Ayub, Robert Bruno, Jim Cox, James Delcane, Josh Smith

Absent: Salvatore Bancheri, Chirag Desai, Calvin Ferrara, Ken Kachnic

**APPROVAL OF MINUTES:** April 13, 2023 (**Approved**)

**DECISION AND RESOLUTION:**

1-23 Hauck "C" Variance (**Approved**)

**NEW APPLICATION:**

6-23 "Applicant"  
322 Clarks Landing Road  
B. 504, L. 22.01  
"C" Variance

Represented by Tom Darcy Esq., the applicant is seeking bulk variances for an undersized lot which had previously been granted variances by the zoning board in 2019.

Sworn In  
"Applicant"

Mr. Darcy began by explaining the history of the previous approvals granted to this property. The property contained a building which the township had assessed as a single family dwelling. A request for demolition was approved by Pinelands with the stipulation that new construction not encroach any closer to the wetlands buffer. Due to this buffer there is no way for the property to meet all setbacks. A variance was granted for an 86 foot front yard setback where a 200 foot

setback is required, as well as a variance to increase the maximum building coverage to 4.7% where 3% is required. The building was demolished, however the new home was never build. The property has since been sold to the applicant.

The current owners are aging and would like to construct a 60 x 30 single level home. Adhering to the wetland buffer, variances are required to construct a house of that size. They are requesting a 26 ft. side yard setback where 30 ft. are required, an 82 ft. front yard setback where 200 ft. are required, and 4% maximum building coverage where 3% is the maximum in that zone.

There is a proposed septic system and a proposed well.

Mr. Darcy states the property contains an unusual topographic feature, in that it is undersized and contains a large area of wetlands. These features make it impossible for the home to meet the setbacks. He states the project promotes the general welfare by being consistent with the neighborhood and by adhering to the use the township has approved for this area. The removal of the old building promotes a desirable visual effect, as will the new home once completed. The neighborhood has both one and two story homes, making this home in character with the rest of the neighborhood. The property is deed protected in regards to the wetland buffer, which Mr. Darcy argues promotes clean air and open space in the area. He also states the project promotes the Municipal Land Use law by providing opportunities for senior citizens.

Board Engineer, Kates, reviewed the application for completeness and found it to be complete. He agrees it would be difficult, if not impossible, to meet the setbacks on the undersized lot.

#### **PUBLIC COMMENT:**

Mike Colon, stated there has never been utilities on the lot, and the structure on the property was more of a shed than a house. He also stated his opposition for the side yard setback area.

Mike Stetser, stated his concerns about ground water contamination from the recycling plant, and laments the future loss of trees. He states the structure has always been used to store salt and disagrees with the home assessment.

#### **BOARD QUESTIONS/COMMENTS:**

Board member Delcane asked if there is a lot between this site and the recycling center.

*No, they share a common lot line. But the physical limits of the center ends 200 feet before the property line.*

Board Member Smith asked if the applicant is planning on directing water away from the other properties.

*There is no attempt to discharge the storm waters from the roof drains on properties on to property lines. It is inconceivable that water from the home would impact the recycling operation.*

Board Attorney Varga Summarized the application.

A motion to approve was made by Delcane and seconded by Druno.

All in favor: Muhammad Ayub, Robert Bruno, James Delcane, Josh Smith, Jim Cox

**NEW APPLICATION:**

7-23 Ernest Gonzalez Juarez  
172 Old Port Road  
B. 1172, L. 14  
“C” Variance

Accompanied by Kishor Ghelani, the applicant is requesting to build an addition onto an existing nonconforming structure.

Sworn In

Ernest Gonzolaz Juarez  
Kishor Ghelani

Located in the neighborhood residential zone, the lot is undersized, with a nonconforming front yard setback. The home currently sits 13.8 feet from the property line, where 50 feet are required. The proposed addition will measure 14 x 35 feet, and will expand the nonconforming front yard setback.

Mr. Juarez is perusing an addition because he has children and would like to have more space for them inside of the home.

**BOARD QUESTIONS/COMMENTS:** None.

**PUBLIC COMMENT:** None.

Board Engineer, Kates, reviewed the application for completeness and found it to be complete. He stated the proposal is consistent with the neighborhood.

Board Attorney Varga Summarized the application.

A motion to approve was made by Smith and seconded by Delcane.

All in favor: Muhammad Ayub, Robert Bruno, James Delcane, Josh Smith, Jim Cox

**NEW APPLICATION:**

5-23 Mahfujar Rahman  
242 W White Horse Pike  
B. 528, L. 116

## **“D” & “C” Variance**

The applicant is represented by Gregory Mutchko Esq. and accompanied by Kishor Ghelani. They are requesting a “D” use variance to establish an Islamic house of worship in the HC-2 zone, which does not list religious institutions as an approved use. They are also requesting “C” variances for sign setback and sign size.

The property is an existing nonconformity in regards to lot area, lot width, and building side setbacks. The lot to the west is occupied by a church.

### **Sworn In**

Kishor Ghelani

Mr. Mutchko explained there are 21 parking spaces, enough to accommodate 84 worshipers, however the facility will not exceed a maximum of 44 worshipers at any given time, their most intense time being Friday.

Mr. Ghelani asked Mr. Mutchko to touch upon the requested waivers. The applicant is requesting a waiver of parking space buffer due to the narrowness of the lot. Without this variance they will be unable to accommodate 21 parking spaces. They are requesting waivers for community and environmental impact statements, arguing the impacts of religious facilities are positive for both the community and the environment. Finally, they are seeking a traffic report waiver, as the traffic on the White Horse Pike is quite heavy.

Mr. Mutchko states there are no trash enclosures proposed, as there will be no food on the premise.

As a condition of approval Mr. Ghelani will provide an updated plan showing the stormwater flowing to the back of the property to ensure it does not become an issue for the neighbors. The plan will also show the paved parking area with delineated parking spots.

Board Engineer Kates reviewed the application for completeness and found it to be complete. He states the applicant is proposing a 60 square foot sign where a religious sign is required to not exceed 24 square feet, however the proposed size is consistent with the local commercial signage.

Kates read the following existing nonconformities for the record:

Where a 1 acre minimum is required .96 acres exist.

Where a 200 ft lot width is required a 60.5 ft. lot width exists

Where a 25 ft. left setback is required a 5.21 ft. left setback exists.

Where a 25 ft. right setback is required a 13.70 ft. right setback exists.

Where a 14 ft. sign setback exists a 0 ft. setback is proposed.

Where 24 sq. ft. is the maximum sign size a 60 sq. ft. sign is proposed.

Where a 25 ft. landscaping buffer is required a 15 ft. landscaping buffer is proposed.

### **BOARD QUESTIONS/COMMENTS:**

Board Member Ayub asked what the building is located to the west of the property?

*It is a church.*

**PUBLIC COMMENT:** None.

Board Attorney Varga Summarized the application.

A motion to approve was made by Bruno and seconded by Ayub.

All in favor: Muhammad Ayub, Robert Bruno, James Delcane, Josh Smith, Jim Cox

**PUBLIC COMMENT:** None.

Meeting Adjourned at 7:28 pm.