

Nehmad Perillo
Davis & Goldstein



Nehmad Perillo Davis & Goldstein, PC
Counselors at Law
www.npdllaw.com

Stephen R. Nehmad
Partner

snehmad@npdlaw.com

4030 Ocean Heights Avenue
Egg Harbor Township, NJ 08234

t 609 927 1177

f 609 926 9721

September 9, 2019

Via UPS Overnight Mail

Mayor Coppola & Township Council
c/o Kelli Danieli, RMC – Township Clerk
TOWNSHIP OF GALLOWAY
300 E. Jimmie Leeds Road
Galloway, NJ 08205

**Re: Ole Hansen & Sons, Inc. Request to Release Certain Conservation and Deed Restrictions Relating to Rescission of Prior Land Development Approvals Regarding the Properties Located at:
Block 453, Part of Lots 2 and 11; Block 455, Part of Lots 1, 2 and 11;
Block 456, Part of Lots 1, 2, 3, 4, 5, 6, 7 and 8; and Block 457, Lot 3.04
in the Township of Galloway, Atlantic County
Our File No. 5486-11V**

Dear Mayor Coppola and Members of Township Council:

This office represents Ole Hansen & Sons, Inc. (“Hansen”), owner of the above-referenced property. As explained more fully in the enclosed documents, in 2006 and 2007, Hansen obtained conditional use approval, major subdivision approval and major site plan approval from the Galloway Township Planning Board to permit the construction of 944 residential units on the above-referenced property (the “Project”). On August 6, 2009, Galloway Township Planning Board granted a 15-year extension of zoning protection pursuant to N.J.S.A. 40:55D-52B such that the period of protection for the Project approvals will expire on August 5, 2024.

As the Governing Body likely is aware, due to the Great Recession of 2008, which affected Atlantic County especially hard, the Project was never constructed. Over the last eleven years, Hansen hoped the market would rebound enough to make the project finally worthwhile again, however, the housing market never quite returned to its pre-recession status and the local market has since changed to the point that large scale housing is not reasonably sustainable and therefore not a viable development option. For these reasons, Hansen intends to abandon the Project approvals granted by the Galloway Township Planning Board, the Pinelands Commission and Atlantic County.

In furtherance of that effort, Hansen has submitted the enclosed request to the Galloway Township Planning Board, asking that the Board take action to formally rescind the Project approvals. As the Governing Body can see from that request, Hansen also has asked DEP and the Pinelands

Heather Butler, Administrator
Galloway Township Planning & Zoning Board
September 9, 2019
Page 3

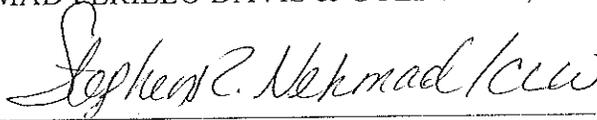
perimeter buffer and open space and recreation area restrictions established in the Declaration as well as the Deed. It is Hansen's intention to record the Resolution as an exhibit to a Partial Release document to be recorded in the Atlantic County Clerk's Office and to provide the Resolution to DEP as evidence of the Township's consent to the relief Hansen seeks from DEP. Again, Hansen does not propose to release the Declaration restrictions relating to wetlands areas and wetlands buffer areas.

Kindly place the within request on the Township Council's September 24, 2019 meeting agenda for the Governing Body's consideration and action. This office and representatives of Hansen will be available to attend the September 24, 2019 Township Council meeting to answer any questions the Governing Body may have before taking official action.

Please confirm this matter will be considered by the Mayor and Township Council on September 24, 2019. Kindly feel free to contact me at this office should you have any questions in advance thereof. Thank you for your time and attention to this matter.

Very truly yours,

NEHMAD PERILLO DAVIS & GOLDSTEIN, P.C.

BY: 
STEPHEN R. NEHMAD

SRN:cj

Enclosures

cc: Kelli Danieli, RMC, Township Clerk (Via UPS Overnight Delivery & Email: kdanieli@gtnj.org) (w/ encl.)
Michael Fitzgerald, Esquire (Via Email: mfitzgerald@fmlawnj.com) (w/ encl.)
John A. Ridgway, Esquire (Via Email: JRidgway@RidgwayLegal.com) (w/ encl.)
Judeth Yeany, DEP-Green Acres Program (Via Email: Judeth.Yeany@dep.nj.gov) (w/ encl.)
Melissa Abatemarco, Esquire, DEP-Green Acres Program
(Via Email: Melissa.abatemarco@dep.nj.gov) (w/ encl.)
Robert Guzek, DEP (Via Email: Robert.Guzek@dep.nj.gov) (w/ encl.)
Charles Horner, P.E. - Director of the Pinelands Commission (w/ encl.)
Daniel J. Galletta, P.P. (Via Email) (w/encl.) (w/ encl.)
David Goddard, President/CEO (Via Email) (w/encl.) (w/ encl.)
CherylLynn Walters, Esquire (Via Email: cwalters@npdlaw.com) (w/ encl.)

S:\HHansen, Ole & Sons, Inc\Mat 11- Blue Heron Pines\Subfile V- 2019 Lifting Deed Restrictions\Mayor & Twp Council 9-9-19 SRN (chr) ltr - FINAL.docx