

MEETING MINUTES
BYRAM TOWNSHIP PLANNING BOARD MEETING
MAY 21, 2015

CALL TO ORDER

Chairman Shivas called the meeting to order at 8:00 p.m.

ROLL CALL

	Mr. Riley	Mr. Morytko	Mr. Chozick	Ms. Raffay	Mr. Kaufhold	Mr. Valentine	Ms. Segal	Mr. Walsh	Mr. Gonzalez	Ms. Shimamoto	Chairman Shivas
HERE		H	H		H	H				H	H
ABSENT											
EXCUSED	EA			EA			EA		EA		
LATE								L			

Also present: Attorney Kurt Senesky
 Engineer Cory Stoner
 Planner Paul Gleitz
 Secretary Cheryl White

STATEMENT BY CLERK

Adequate notice of this meeting has been published specifying the time and place in compliance with the provisions of the Open Public Meetings Act.

FLAG SALUTE led by Chairman Shivas

MEETING MINUTES MAY 7, 2015

A motion was made by Mr. Kaufhold and seconded by Mr. Morytko to approve the minutes as written. The following vote was taken:

	Mr. Riley	Mr. Morytko	Mr. Chozick	Ms. Raffay	Mr. Kaufhold	Mr. Valentine	Ms. Segal	Mr. Walsh	Mr. Gonzalez	Ms. Shimamoto	Chairman Shivas
Motion					√						
Seconded		√									
Aye		√	√								√
Nay											
Abstain						√				√	
Absent	√			√			√	√	√		

Motion carried.

COMPLETENESS

SP3-2015, Tomahawk Lake, Inc., 155 Tomahawk Trail, Block 343 Lots 2 & 3 C-R Zone.

Amended site plan to create an overflow parking area, replace an arcade tent with a permanent structure, construct a concession building and add a water slide.

Subcommittee Chair Valentine said the committee reviewed the material submitted and deemed the application incomplete based on items outlined in Mr. Stoner's report, and the following items listed below.

1. Provide proof of approval in 2004 for a cement slab under the arcade tent.
2. Lot 1 should be included in this application and noticing.
3. Provide capacity for overflow parking area.
4. Provide septic capacity for the park.
5. Note that a variance is required for an accessory structure.
6. Provide calculations for horizontal clearance from structure to structure.
7. Provide an average number of attendees that visit the site.

The motion was seconded by Mr Kaufhold. The following vote was taken:

	Mr. Riley	Mr. Morytko	Mr. Chozick	Ms. Raffay	Mr. Kaufhold	Mr. Valentine	Ms. Segal	Mr. Walsh	Mr. Gonzalez	Ms. Shimamoto	Chairman Shivas
Motion						√					
Seconded					√						
Aye		√	√		√	√				√	√
Nay											
Abstain											
Absent							√	√	√		

Motion carried.

Z03-2015, Karen Preziosa, 10 Marine Terrace, Block 295 Lot 6, R-5 Zone

A front and side yard setback to construct a deck.

A motion was made by Mr. Kaufhold and seconded by Mr. Morytko to approve the resolution as presented. The following vote was taken:

	Mr. Riley	Mr. Morytko	Mr. Chozick	Ms. Raffay	Mr. Kaufhold	Mr. Valentine	Ms. Segal	Mr. Walsh	Mr. Gonzalez	Ms. Shimamoto	Chairman Shivas
Motion					√						
Seconded		√									
Aye		√	√		√						√
Nay											
Abstain											
Absent				√			√		√		

Motion carried.

NEW BUSINESS

Ms. Segal, Ms. Raffay and Mr. Riley stepped down for this application.

Mr. Walsh arrived at 8:15 p.m. and Mr Senesky reviewed prior Board discussion concerning this application in the event of a vote, Mr. Walsh will be eligible to vote.

SP2-2014, Lake Mohawk Pool & Spa, Marine Terr., Block 293.01 Lots 8.03 & 9 and Block 293.02 Lots 8.03 & 9.01, R-5 Zone

Amended site plan to pave a tennis court to create a parking area, a lot line adjustment to create two conforming residential lots, create a parking easement on a residential lot, to install a slide and to extend the summer season. (Carried from May 7, 2015)

Megan Ward, of Kelly & Ward the attorney representing the applicant provided a brief description of the property and introduced the professionals that will be providing testimony.

Mr. Diogo Santos, of Petry Engineering, LLC provided his experience and education and the Board accepted him as an expert in his field.

Mr. Santos presented Exhibit A1, dated 5/21/2015 which is a colored rendering of sheet SP2. "Existing Conditions Plan" and reviewed the plan, the properties history, and grades and elevations of the property. Mr. Santos added that the current parking associated with this property was approved by this Board in 1985.

Mr. Santos presented Exhibit A2, "Proposed Conditions" which is a colored rendering of Sheet SP3 saying that the applicant is eliminating the tennis function at this property and paved the tennis court into a parking area two years ago. Mr. Santos reviewed the parking saying that there are 56 9x18 ADA compliant stalls and the area is surrounded by a ten foot fence with trees and lawn area. Mr. Santos said that the parking space requirements meet the RSIS standards but not our ordinance requirements and in an effort to keep the existing impervious coverage and not to increase runoff they are requesting a variance for 9x18 size stalls. He added that the parking for the residential units on Block 293.01 Lot 9 will remain and the new proposed residential homes on Block 293.02 Lot 8.03 and Block 293.02 Lot 9.01 will have their own parking. Mr. Santos added that the ramp to the swim club is not ADA compliant. Mr. Santos said that this proposal eliminates the parking on the lawn area on Marine Terrace which the applicant proposes to restore to lawn. A lot line adjustment on Block 293.02 Lot 8.03 is proposed to create two conforming lots, and an easement on Block 293.02 Lot 8.03 for 46 additional parking spaces. With the elimination of parking along Marine Terrace and the addition of 56 ADA compliant spaces, which includes 3 handicap stalls the total number of spaces will be 102 spaces whereas 66.3 is the requirement. Mr. Santos said that the ramp from Marine Terrace is at a 12% grade but Marine Terrace is a low traffic road, and the facility does not operate in the winter so it is not affected by plowing however the applicant may require a variance for the grade. He said that this proposal eliminates a substantial amount of impervious coverage, and the riparian buffer will be restored which will help Lake Mohawk. Mr. Chozick asked what drives parking requirements; Mr. Gleitz said they had to use parking requirements for a sports club since Byram's ordinance does not cover pools. Mr. Chozick felt if the facility has operated for the last two years with 163 parking spaces, eliminating spaces may cause parking issues. Mr. Santos reiterated that since the tennis function is being eliminated, parking requirements are reduced. Mr. Walsh said the applicant is meeting the parking requirement. There was a lengthy discussion about parking and a recommendation was made to keep the parking on Marine Terrace, and use the proposed easement as overflow parking; this may keep people from parking on the street. Mr. Gleitz suggested installing posts to help guide people when parking and if that is proposed new impervious coverage calculations must be provided.

Mr. Gregory Leo, Managing Member was sworn in. He said that he has owned the facility for two years and has removed parking on what will now be the residential lots to see if the proposed parking will be sufficient, Mr. Leo said he has not had any issues. Mr. Leo added that the area that was a tennis court which has been converted for parking has not had any issues with cars or truck maneuvering the lot. He said the facility operates from 11 am to 7 pm with the exception of three evenings where swim meets are held and added that since he has been the owner, he has had no parking issues.

Mr. Gleitz asked about proposed lighting and said since this is a parking lot where children frequent lighting should be provided. Mr. Santos said that the entry shed has eight lights which provide lighting when dark and said that Mr. Leo has withdrawn his request to extend his summer season.

Chairman Shivas opened to the public.

Mr. Myron Mandicz, 2 Marine Terrace said that currently the trash removal truck backs in and if this project is approved, will they have to parallel park to get the trash? Mr. Santos said the dumpster area will not change.

Susan Shake, 8 Meadowbrook Terrace has concerns regarding storm water run-off on the proposed residential lots. Mr. Santos said that a soil and sediment erosion plan will have to be in place. Ms. Shake said they have a sediment basin designed to keep sediment from the lake and it has not worked, and added that some homes cannot get their boats to their homes due to the sediment. Mr. Santos said if that is not working that should be brought to the County's attention, but it will not be the responsibility of the owner of the residential lots. He said a soil and sediment plan will be inspected by the County to ensure it is effective. Mr. Stoner reiterated Mr. Santos' comment. Chairman Shivas said by ordinance the owner of the residential lots will be required to install a vegetative buffer along 80% of the lake frontage that must be approved by our planner with plants from a preferred plant list provided by the Township.

Angelo Branciforte, 1 Marine Terrace has concerns over parking and said that many people use his driveway to turn around and there have always been parking issues, people parking on the street and backing into the roadway.

Scott Olson, 194 Glenside Trail asked if the impervious coverage calculations for the proposed homes included sidewalks, driveways, etc. Mr. Olson said that what is shown on the plan is the maximum footprint of the building, will that be exceeded? Mr. Leo said that he will agree to keep the impervious coverage calculations presented in this application and will not exceed the maximum footprint. Mr. Olson asked if the attorney will review the variances required for this application. Ms. Ward said yes.

Mr. Santos added that by removing the tennis courts it reduces parking, and reduces impervious coverage. Mr. Leo said that the maximum membership is 300. Last year the average was between 235-240 members which include single, couple and family memberships.

Mr. Leo said that historically people have parked illegally on the street or grass but since he became owner he has tried to educate the members on where they should park but it takes time to educate people. He added it is only a few times a year that there are parking issues. Ms. Shake disagrees and believes it is

once a week. Mr. Benciforte said parking issues occur every weekend, with 300 members and approximately 100 parking spaces and asked how can it not be an issue.

Mr. Gleitz, Township Planner said that lighting should be provided and for a pedestrian area it should be ½ foot candle. Mr. Gleitz added that with tight parking and poor lighting the current lighting is inadequate for this site and could be a safety issue. Mr. Gleitz asked what is currently used; Mr. Santos said flood lights are used and since this facility is mostly used during the day it is sufficient. Mr. Leo said he will add lighting to the parking area but with no history of issues he was trying to avoid lighting because of nearby neighbors. Chairman Shivas asked if people are directed where to park. Mr. Leo said at special events cones and attendants are used.

Mr. Gleitz asked about if any signage is used or proposed. Mr. Gleitz said there should be an exit and entrance sign and it should be shown on the site plan.

The Board discussed creating a lot vs. an easement. Mr. Leo would agree to create a separate lot and by virtue of a deed restrict development on the lot, but since this property is in the Highlands preservation area, that may be challenging. Mr. Santos will check into this.

There was discussion about the Block 293.01 Lot 8.03 and Block 9 Lot 293.01 and that a resolution was approved in 1975 whereas the approval calls for the lots to be "linked". Mr. Leo prefers to keep the lots separate in case the pool fails; he will have two additional building lots.

Mr. Peter Steck, Planner for the applicant provided his education and experience and the Board accepted Mr. Steck as an expert in his field.

Mr. Steck presented exhibit A3, 4 pages depicting:

- P1 A Zoning Map of the area, a portion of the land use plan map, and aerial photographs of the proposed property.
- P2 Proposed subdivision and site plan notations.
- P3 & P4 various photographs of views of subject property.

Mr. Steck said the tennis court is stable for parking, the proposed subdivision is adequate in size and is zoned residential for single family dwellings. This use predates zoning and has been used as a seasonal swim club for many years. During inclement weather the club is not used, and it is not used in the winter. Mr. Steck reviewed the R5 zone requirements saying that Byram's Master Plan promotes recreational use even though this use is prohibited in a residential zone. Mr. Steck spoke about the reason for a "crooked" lot line saying that it creates conforming lots and provides more lake frontage for the lots and said that by eliminating the tennis court and making two residential lots it is being replaced with a permitted use. Mr. Steck talked about a D1 variance vs. a D2 variance saying that this proposal is not inserting a use not previously permitted, so this should be considered D1 variance. He added that this area provides a free flow of traffic, it is visually good for the environment, some parking is being eliminated which will eliminate roof and car runoff to the lake; it conserves natural resources, and reduces impervious coverage. There was further discussion about the type of variance.

Chairman Shivas opened to the public.

Note: All persons below making a comment were sworn in by the Board attorney.

Joseph Riggio, 39 Morgan Drive, Sparta believes because of a previous comment the Board was prejudice because much of the discussion was focused on parking. He is a member of the club and has never had a parking issue and has never seen a full lot. Chairman Shivas explained that the Board must listen to all comments and it is the charge of the Board to ask questions and he reassured Mr. Riggio that no Board members have come to any conclusions or prejudices.

Scott Olson, 194 Glenside Trail, Byram said that parking is prohibited on grass or lawns so a variance would be required and believes that keeping the parking on Marine Terrace and only using the easement as overflow parking would help keep parking on the same site where the use occurs. He is in favor of the idea of creating a new lot verses a parking easement and restricting development on the lot.

Katherine Johnson, 17 Cheyenne Tr., Sparta said this club creates jobs for teens, and is open less than 20% of the year. She added that Mr. Leo has done a tremendous job, he is good Byram and Sparta Township and she has never seen a parking issue with the exception of special events which happens three times a year.

Sally Seville, 517 West Shore Tr., Sparta said that she has been a member for two years and has never had trouble nor not been able to find a parking space. She feels when necessary parking attendants would help.

Dean Rino, 15 Birch Parkway, Sparta has lived there 32 years and is a Board member of Lake Mohawk and he has never seen problems with parking. Mr. Walsh asked if he has ever seen problems with street parking or patrons backing out onto road. Mr. Rino said no.

Thomsina O'Boyle, 19 Stonehedge Ln., Byram said that this facility employs teenagers and they have never witnessed a parking problem.

Mr. Myron Mandicz, 2 Marine Terrace agreed that signage may help direct people when events are held.

Art Mina, former owner said he has never had a parking issue when he owned the establishment and at that time he would have 300 memberships.

Tanya Tybur, 57 Whippoorwill Lane, Byram said that the club is good for the community and a good place for children to go.

Kathy, 97 Hillside Road, Sparta reiterated the previous comments saying that Mr. Leo is well organized and she has never experienced a parking issue.

Susan Shake, 8 Meadowbrook Terrace had concerns about a nearby school bus drop off and children's safety and wondered if a traffic engineer will provide testimony, she feels it should be addressed.

Chris Wendland, 531 East Shore Tr., Sparta said that he lives directly across the street and that the facility is always neat and clean and Mr. Leo is respectful to surrounding homes. His concern was regarding lighting and would hope that if lighting is proposed they would keep neighboring properties in mind.

Will Hookway, previous owner said that his parents purchased the property in 1965 and said this facility adds to surrounding property values, it is good for the community and the club should be part of the historical registry.

No one else from the public came forward. Chairman Shivas closed to the public.

A motion was made by Mr. Valentine to carry the application without further notice to June 18, 2015. The motion was seconded by Mr. Kaufhold. The following vote was taken:

	Mr. Riley	Mr. Morytko	Mr. Chozick	Ms. Raffay	Mr. Kaufhold	Mr. Valentine	Ms. Segal	Mr. Walsh	Mr. Gonzalez	Ms. Shimamoto	Chairman Shivas
Motion						√					
Seconded					√						
Aye		√	√		√	√		√		√	√
Nay											
Abstain											
Absent							√		√		

Motion carried.

ANY OTHER BUSINESS THE BOARD DEEMS NECESSARY

Brian Church, 4 Raccoon Trail asked the Board for direction, saying that in the near future he wishes to construct a second story addition to his home. Currently a portion of his carport is on the neighbor’s property so he is proposing a lot line adjustment and is seeking to have a road vacated. He asked the Board how to proceed. Mr. Stoner gave a brief summary of Mr. Church’s issues. The Board advised Mr. Church to make a request to the Township Council to vacate a portion of Raccoon Trail. If the Council permits the roadway vacation it will be sent to the Planning Board for review. Mr. Stoner advised Mr. Church at that time he should file his application for a lot line adjustment and when the application is heard, the issue of the lot line adjustment and the road vacation will be discussed. A survey map, with the road vacation and the lot line adjustment should be provided with the application. If approved the Council will get notice of this approval and the final vacation can be completed by the Township Council.

REPORTS FROM COMMITTEES

- Township Council, no representative present.
- Environmental Commission, meeting next week.
- Open Space Committee, nothing to report.
- Architectural Review Committee, Mr. Morytko said that Andrea Proctor gave the historical preservation presentation to the committee. They discussed the Byram Car Wash; the committee is not pleased with the colors, the committee feels they are different than presented to the ARC when they met with the owners, and at that meeting the owners said they would come back in the near future with changes to lighting, signage and landscaping and to date they have not presented any plans. The committee reviewed Jeff Day Camp and had a positive response to the plan and they reviewed the application for Cartridge Actuated Devices and the committee had no issues with the plan.
- Board of Health, no representative present.

BILLS

Schenck, Price, Smith & King, LLP (9 bills) \$2,372.50

A motion was made by Mr. Walsh and seconded by Mr. Valentine to approve Mr. Senesky’s bills. All were in favor. Motion carried.

PUBLIC COMMENT

Chairman Shivas opened to the public.

No one from the public came forward. Chairman Shivas closed to the public.

ADJOURNMENT

A motion to adjourn the meeting was made at 11:25 p.m. by Mr. Valentine and seconded by Mr. Kaufhold. All were in favor. Motion carried. The meeting was adjourned.

Respectfully submitted: *Cheryl White*