

MEETING MINUTES
BYRAM TOWNSHIP PLANNING BOARD MEETING
JUNE 18, 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	H
ABSENT											
EXCUSED				EA		EA	EA	EA			
LATE											

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 JUNE 04, 2015

A motion was made by Mr. Kaufhold and seconded by Mr. Riley 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.

RESOLUTION

SP1-2015, Jeff Lake Day Camp, 38 Jefferson Lake Road, Block 366 Lot 3.01 & Block 370 Lot 7.01 C-R Zone
 Amended site plan to replace four buildings used for lockers and bathrooms with two new buildings for the same use.

Mr. Senesky advised the Board that a minor change was made to the resolution clarifying that the Board views this property as containing multiple accessory structures and no principal structure. A motion was made by Mr. Riley and second 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.

COMPLETENESS

SP2-2015, Village School Apartments, Block 226 Lot 21, 55 Lackawanna Drive, MF-Zone
 Amended site plan to convert a school building into 21 apartments units.

A motion was made by Mr. Kaufhold to deem the application complete and set a hearing date of September 3, 2015. The motion was seconded by Ms. Shimamoto. 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.

OLD BUSINESS

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 (carried from May 21, 2015)

Amended site plan to pave a tennis court for a parking area, a lot line adjustment to create a parking easement on a residential lot, and to add a slide.

Mr. Riley stepped down for this application.

Ms. Ward began by saying the applicant took the Board and public comment into consideration and revised their plans. She introduced Mr. Mike Petry, who was sworn in and has provided testimony previously to the Board. The Board accepted Mr. Petry as an expert in his field.

Mr. Petry presented Exhibit A4; Colorized version of Sheet 3 dated June 5, 2015 of the submitted plan and outlined revisions:

- 75 parking spaces on site is proposed including 19, 90 degree head on parking spaces on Marine Terrace to remain, 46 overflow parking spaces, 7 spaces for the residential units on site, with a proposed total of 128 spaces. Grass will be planted in areas where parking is being removed.

- Bollard sleeves with PVC pipe and ropes or chains are proposed for the 46 overflow parking spaces which will delineate the parking pattern. When overflow parking is needed a parking attendant will be provided. When the overflow parking area is not in use, the area can be roped off so no access is allowed. There was Board discussion about making this a separate lot verses an easement and the applicant agreed to pursue this with the Highlands and DEP. If it must remain an easement, responsibility for the care of the easement will be outlined in the Deed of Easement.
- Building coverage for the proposed house on Lot 8.03 was calculated if the easement is not included. Those calculations were provided and the footprint of the house was reduced and the applicant agreed to a condition that the house will be no bigger than permitted by ordinance, excluding the easement area.
- Impervious coverage was calculated on the pool property.
- The plan was revised to include septic design and locations for the two proposed single family dwellings. These designs have been submitted to the County Division of Heath but have not been approved.

Mr. Gleitz asked about lighting. Mr. Petry said no lighting is proposed, currently flood lights are used. Mr. Gleitz believes for safety purposes lighting should be included since activities may occur after dark and this property is frequented by families with children. Mr. Gleitz said signage should be included to assist in parking, circulation, ingress and egress.

Ms. Shimamoto had concerns about the proposed septic locations for the proposed homes saying that the septic for Lot 8.03 is located in the proposed parking easement and the septic for Lot 9.01 is proposed on Lot 8.03. There was Board discussion and the Board prefers the septic be located on their own lots and will make it a condition of approval that if the septic cannot be located on each lot, the applicant must come back to the Board for approval.

There was Board discussion about tree removal and it was agreed that trees no larger in 6" in diameter can be removed.

Chairman Shivas opened to the public.

Adrienne Branciforte, 1 Marine Terrace presented photos depicting vehicles backing up Marine Terrace and feels it presents an unsafe situation. Ms. Branciforte presented photos marked Exhibit

- O1 – A No Parking sign on an existing parking area. Ms. Branciforte believes that since this area once used for parking has been roped off, off-site parking has been an issue.
- O2 – Trash removal truck backing down Marine Terrace to pick up trash.
- O3 – Vehicles parking in a no parking area.
- P4 – Landscape vehicles backing down Marine Terrace.

Mr. Senesky said the applicant is only responsible for vehicles having to deal with his operation and would be responsible for ensuring these vehicles find a safe route.

Janet Lucas, Esq. of Weiner Lesniak, LLP said that she is speaking on behalf of Susan Shake, 8 Meadowbrook Terrace and spoke about previous agreements and covenants recorded and filed in 2013 that state no easements to allow access to the Lagoon should exist on the proposed residential lots, and no trees shall be removed and landscaping shall be maintained. Mr. Senesky said that perhaps Ms. Shake has a civil matter but that agreement would not impact the Board's decision about this application. Ms. Lucas added that Ms. Shake also has concerns about the noise and tree removal. Ms. Lucas said that Ms. Shake has no objections to the proposed homes but wants to be sure that past agreements are not being violated. Ms. Ward said no tree removal is proposed, and if a tree must be removed it will be no larger than 6" in diameter. Ms. Ward stated that no disturbance or removal of vegetation is proposed. Ms. Lucas presented Exhibit O5, a larger version of the tax map depicting where Ms. Shake's and the proximity to the club.

Ms. Lucas asked Mr. Gleitz about the noise concerns Ms. Shake has. Mr. Gleitz said no changes are being made to the pool property effecting noise. If a site plan included a new noise generating source the applicant would be required to meet the State standards.

Scott Olson, 194 Glenside Trail said that Mr. Leo has been a good neighbor but he has concerns about the noise from activities that occur in the evening, like movies and bands. Mr. Olson also has concerns about trash removal trucks and school buses that drop kids at the pool and being able to turnaround safely.

Chris Wendland, 531 East Shore Trail said he lives directly across the street from the pool and has a two year old child and the noise is not egregious. Mr. Leo has been a respectful neighbor; he keeps the property nice and feels the club is good for the community. He said several years ago the pool was vacant and the property was unsightly and he hopes this request is approved so that the pool can remain open.

Susan Shake, 8 Meadowbrook Terrace said in the past the pool didn't use outdoor speakers. She said during a swim meet she can understand the use of the speakers but has concerns of loud music and noise on movie nights. She said the lights that are used at night shine into her house. She also has concerns about vehicles turning around in Lot 9.01 and asked if that lot is developed where will vehicles safely turnaround.

Mr. Gleitz said she should call the police if the noise is too loud. Mr. Senesky said the Board is not granting any approvals tonight to violate the noise ordinance, and that maybe the applicant can add buffering. Mr. Senesky added that any vehicles servicing this property the applicant must ensure a safe route to enter or exit the site.

Debra Anderson, 116 Summit Road, Sparta said that the pool is not open late and that the noise people are referring to could be coming from another beach in close proximity where teenagers hang out.

Mr. Shivas asked Mr. Leo how many movie nights occur. Mr. Leo said every other Saturday which is about five times per season, and they seldom end after 10 p.m. Mr. Leo added that he believes the noise does not exceed the decimal limit allowed. Mr. Leo would agree to a condition that movies will end by 10 p.m.

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

The Board reviewed the variances and conditions requested:

Variances

1. Height of fence, 10'
2. Driveway grading
3. Parking space size
4. Parking isle width
5. Waiver for the geometry of the Lot line
6. D2 variance for overflow parking on a residential lot
7. Maximum lot disturbance

Ms. Shimamoto had concerns about the proposed 128 parking spaces, specifically the 46 spaces on the overflow parking area and their close proximity to the lake. Since 19 spaces are proposed to remain in front of Marine Terrace she would like the overflow parking area to decrease by 19 spaces, which would be a total of 109 parking spaces as originally requested.

Conditions

1. Septic for each house must be located on each prospective lot, or must return to this Board for approval.
2. Pursue with DEP/Highlands creating a separate lot verses an easement
3. Trees greater than 6” in diameter cannot be removed in the overflow parking area, and if trees are removed they will be replaced
4. No less than 19 parking spaces be provided on Marine Terrace
5. Vehicles servicing the operation must find safe egress and ingress without backing up Marine Terrace
6. Activities must end by 10 p.m., and lights must be off by 10 p.m.
7. A parking attendant will be provided if the overflow parking area is used.
8. A planting plan to satisfy the lake buffer requirement must be submitted and approved by the Township Planner
9. Signage details be provided
10. Landscape along the prior parking area be approved by Township Planner
11. Low lighting details be provided
12. Taxes must be current

A motion was made by Mr. Kaufhold and seconded by Mr. Chozick to approve the application with the conditions imposed. 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.

SITE PLAN WAIVER - Waiver issued by Zoning Officer

WOSP5-2015, Block 27 Lot 380.01, 17 Route 206 V-B Zone
Change of tenant only – JDJ Strong, LLC, and Nutritional Supplies

ANY OTHER BUSINESS THE BOARD DEEMS NECESSARY

- Mr. Gleitz said that a steering committee was selected and the Economic Development Study will begin soon. The committee will begin surveying business owners and in the future there will be several combined Planning Board and Council meetings, and the study should be complete within 7 months.
- Mr. Stoner advised the Board that a contract was awarded regarding Tamarack Park (Jones Lane). By fall of 2016 the field should be ready for use.

REPORTS FROM COMMITTEES

- Township Council – no representative present.
- Environmental Commission – no report.
- Architectural Review Committee – no report.
- Open Space – no report.
- Board of Health - no representative present.

BILLS

L&G Planning (2 bills) \$840.00

A motion was made by Mr. Kaufhold and seconded by Mr. Chozick to approve Mr. Gleitz bills. All were in favor. Motion carried.

Schenck, Price, Smith & King, LLP (2 bills) \$1,012.50

A motion was made by Mr. Kaufhold and seconded by Mr. Chozick 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 Kaufhold closed to the public.

ADJOURNMENT

A motion to adjourn the meeting was made at 10:15 p.m. by Ms. Shimamoto and seconded by Mr. Kaufhold. All were in favor. Motion carried. The meeting was adjourned.

Respectfully submitted: *Cheryl White*