

MINUTES
BYRAM TOWNSHIP PLANNING BOARD
MEETING AUGUST 21, 2014

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	H	H
ABSENT											
EXCUSED		X	X								
LATE											

Also present: Attorney Kurt Senesky
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 JULY 17, 2014

A motion was made by Mr. Kaufhold and seconded by Ms. Segal to approve the minutes. 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					X						
Second							X				
Aye				X	X	X	X	X	X	X	X
Nay											
Abstain											
Absent		X	X								

Motion carried.

COMPLETENESS

SP3-2014 Michael Marotte, 3 Lakeview Trail, Block 137 Lot 19 and Lot 15, R-5 Zone (Completeness review date 8/7/14.)

A Lot line adjustment with variance to increase the non-conformity for the required lot size for Lot 15.

The site plan subcommittee met on August 7, 2014 and found the application to be complete. A hearing date of August 21, 2014 was set.

NEW BUSINESS

Mr. Senesky stepped down for this application.

SP3-2014 Michael Marotte, 3 Lakeview Trail, Block 137 Lot 19 and Lot 15, R-5 Zone

Lot line adjustment with variance to increase non-conformity for the required lot size.

Attorney for the applicant Robert Campbell said that Mr. Marotte purchased 6 La-Bo-Ga Trail in August 2013 via an estate sale. It was found that in 2005 a septic system that was installed for 4 La-Bo-Ga Trail, owned by the Mark and Marlene Middleton was mistakenly installed on 6 La-Bo-Ga Trail. To correct the encroachment an easement was filed so that the system can remain as installed. When Mr. Marotte purchased 6 La-Bo-Ga Trail he sought a lot line adjustment so that the septic system would solely be located on the property of 4 La-Bo-Ga Trail and the easement could be vacated. Mr. Campbell added that the lot line adjustment will not result in any new construction and would not affect any setbacks.

Mr. Kaufhold asked if the septic system met all setbacks required by the Board of Health. Mr. Campbell did not know. There was Board discussion about the location of the septic, the size, the required setbacks and it was determined that even though these answers are not known the situation would be better than it is today.

Mr. Campbell provided Exhibit A1, "A list of Exhibits", the easement, the lot line agreement, a property survey and a lot line adjustment map.

The Board had no further questions.

A motion was made by Ms. Segal to approve the variance. The motion was seconded by Mr. Valentine. 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							X				
Second						X					
Aye	X			X	X	X	X	X	X	X	X
Nay											
Abstain											
Absent		X	X								

Motion carried.

Mr. Senesky returned to the dais.

SITE PLAN WAIVER

WOSP7-2014 Mountainside Restaurant, Gaurang Desai, Block 226 Lot 3, 198 Route 206, N-C Zone (meeting date 8/7/14.)

Change of use – restaurant to deli/convenience store.

Mr. Walsh said that the subcommittee met on August 7 and reviewed the material submitted. Since the applicant met the criteria for a site plan waiver, the waiver was granted, however the applicant is asking to exceed the square footage permitted for a deli/convenience store in the NC zone a variance will be required. A hearing date of August 21, 2014 was set.

A motion was made by Mr. Walsh and seconded by Ms. Segal to grant the site plan waiver. 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								X			
Second							X				
Aye					X	X	X	X	X	X	X
Nay											
Abstain											
Absent		X	X								

Motion carried.

NEW BUSINESS (cont.)

Z06-2014 Mountainside Restaurant, Gaurang Desai, Block 226 Lot 3, 198 Route 206, N-C Zone
 Variance for relief to exceed permitted square footage allowed for a deli/convenience store in the N-C Zone.

The applicant, Mr. Desai said that he wishes to purchase the property and relocate his current business, Cranberry Market and Deli to this location. Since the size of a convenience store/deli is limited in the NC Zone, this request requires a variance.

The Board asked about the number of seats and Mr. Desai said there will be no more than ten tables, four seats at each table. The Board confirmed that Mr. Desai will stripe the parking spaces in the lot. Mr. Desai confirmed only one entrance will be used.

The Board had no further questions.

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

A motion was made by Mr. Kaufhold and seconded by Ms. Segal to approve the variance.

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					X						
Second							X				
Aye					X	X	X	X	X	X	X
Nay											
Abstain											
Absent		X	X								

Motion carried.

RESOLUTIONS

Mountainside Restaurant, Gaurang Desai, Block 226 Lot 3, 198 Route 206, N-C Zone (WOSP7-2014 & Z06-2014)

A waiver for a change of use and a variance to exceed permitted size of deli/convenience store in NC Zone.

A motion was made by Ms. Segal and seconded by Mr. Walsh to approve the resolution with a minor correction. 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							X				
Second								X			
Aye					X	X	X	X	X	X	X
Nay											
Abstain											
Absent		X	X								

Motion carried.

WOSP6-2014, Lake Mohawk Pool & Spa, Marine Terrace, Block 293.02 Lots 8.03, 9.01 and Block 293.01 Lots 8.03 & 9

A waiver to permit an event outside of the approved business season.

This resolution was not available. It will be prepared for the September 4, 2014 meeting.

One year extension of approved site plan.

A motion was made by Mr. Walsh and seconded by Mr. Valentine 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								X			
Second						X					
Aye						X	X	X	X	X	X
Nay											
Abstain											
Absent		X	X								

Motion carried.

REPORTS FROM COMMITTEES

- Township Council: Ms. Raffay said the Council wants to meet with the sign subcommittee and the EDAC for a planning workshop to discuss the proposed sign ordinance. The Council will then bring the draft ordinance back to the Planning Board for review.
- Environmental Commission: No report.
- Open Space Committee: No report.
- Architectural Review Committee: No Report.
- Board of health: Ms. Segal said the Board is continuing to review the ordinances. The Board decided they wanted to use the format used in other ordinances whereas the definitions are listed first. She added a post card is being mailed out to educate people on the importance of recycling.

ANY OTHER BUSINESS THE BOARD DEEMS NECESSARY

BILLS

Harold E. Pellow & Associates Inc. \$1,378.13 (4 bills)

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

Schenk, Price, Smith & King, LLP \$660.00 (4 bills)

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

CWL Planning \$382.50 (2 bills)

A motion was made by Mr. Walsh and seconded by Mr. Valentine to approve Mr. Gleitz’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 8:45 p.m.by Mr. Valentine and seconded by Mr. Kaufhold. All were in favor. Motion carried. The meeting was adjourned.

Respectfully submitted: *Cheryl White*