

MEETING MINUTES
BYRAM TOWNSHIP PLANNING BOARD MEETING
JUNE 16, 2016

CALL TO ORDER

Chairman Shivas called the meeting to order at 8:02 p.m.

ROLL CALL

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

MINUTES

Approval of the June 2, 2016 Meeting Minutes

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

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

Motion carried.

RESOLUTIONS

CBK Restaurants, LLC, 172 Lackawanna Drive, Block 265 Lot 287, N-C Zone

To provide temporary ancillary services, and to erect a tent in the lawn area or on the deck for special occasions or private events.

The Board reviewed the resolution and Ms. Segal said she recalled the following:

- Page 3, Number 10, eliminate “limited menu”, the restaurant can serve a full menu.
- Page 5, Number 2, the Ms. Segal did not recall the food service equipment having to be “tethered”. There was Board discussion, and it was decided that “tethered” should remain.
- Page 6, Number 5, should be removed. The restaurant may remain open during private events or special occasions.

The subcommittee agreed with Ms. Segal recollection, and said that this decision was made because the applicant must comply with parking and occupancy limits.

A motion was made by Mr. Riley and the motion was seconded by Mr. Chozick to grant the waiver. Mr. Riley amended his motion to include these changes. The following vote was taken:

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

Motion carried.

Jeff Lakes Day Camp, 38 Jeff Lakes Road, Block 366 Lot 3.01 & Block 370 Lot 7.01, C-R Zone

Amended site plan with variance relief to add three new structures; a deck, tree house, and gazebo, and to remove existing structures, and to pave a section of a gravel driveway.

A motion was made by Mr. Walsh the motion was seconded by Mr. Riley to approve the resolution. The following vote was taken:

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

Motion carried.

Cartridge Actuated Devices, Inc., 40 Old Indian Spring Rd., Block 362 Lot 4, and Block 226 Lot 8.01, R-1 Zone

Amended site plan and use variance to intensify a pre-existing use. To enlarge a pre-existing accessory structure and to add two new accessory structures and various site improvements.

A motion was made by Mr. Kaufhold, the motion was seconded by Mr. Morytko. The following vote was taken:

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

Motion carried.

OLD BUSINESS

Z05-2013, David Nufrio, 138 Lackawanna Drive, Block, 273 Lot 300, R-5 Zone

Relief to exceed principal building coverage.

Ms. Segal stepped down for this application.

Mr. Senesky briefly reviewed the events that transpired since the 2007 approval of this application and said that the applicant is here tonight to discuss actions moving forward.

Mr. Senesky said that some conditions could not be met due to Mr. Nufrio claiming financial hardship. The Board recommended the issuance of a temporary certificate of occupancy until Mr. Nufrio can meet the conditions of the resolution that are still outstanding.

In 2014 Mr. Nufrio purchased the adjacent vacant lot and merged it with his property hoping to resolve one of the conditions.

Mr. Kevin Kelly, Esq., from Kelly and Ward, Newton N.J. said he became Mr. Nufrio’s attorney in 2013, and it was their intent to settle this matter this evening. Mr. Kelly said it was the applicants understanding that when he purchased and merged the adjacent vacant lot in 2014 that would negate the need for further Board discussion, the case would be closed and a certificate of occupancy would be issued. Mr. Senesky reiterated that other conditions remain outstanding. Mr. Senesky said, and in concurrence with the Board, that in 2013 when Mr. Nufrio’s former attorney, Jeffrey Patti filed an application to modify conditions of the approved resolution, that neither Mr. Patti nor Mr. Nufrio appeared at that September 5, 2013 meeting. As a result, the application was denied without prejudice. Mr. Senesky said the purchase of the adjacent property may eliminate one condition however other conditions still need to be met, such as the driveway was to remain gravel, the relocation of the hot tub, and the removal of a shed, etc.

Mr. Kelly presented Exhibits A1 thru A9, “*Various correspondences from the Board Secretary, Nufrio’s Counsel, copies of prior resolutions, and deeds*”. Mr. Kelly began to review the various documents. Mr. Senesky said because Mr. Patti and Mr. Nufrio failed to appear in 2013, and the application was denied a new application needs to be filed and these exhibits could be presented at that time. Mr. Senesky advised Mr. Kelly that the new application will require publication and notification. Chairman Shivas added that purchasing the adjacent property may eliminate a variance, however until all conditions outlined in the 2007 resolution are met, or the applicant files a new application to request relief from conditions of the approved resolution, this matter remains open.

Mr. Kelly said he will meet with this client and advise the Board Secretary how they wish to proceed.

REPORTS FROM COMMITTEES

- Township Council – Ms. Raffay said at the June 6 Council meeting the Council had the second reading for the Accessory Structure Ordinance. She added that the Sustainable Economic Development Committee met and discussed the matrix which outlines the process. Chairman Shivas said that it should take about a year for the Planning Board to finish work they need to get done. He added that one item of focus is a zone change for the NC Zone. He said beginning in September the Planning Board will set aside the second meeting of each month as a planning session.
- Environmental Commission – Ms. Shimamoto said they have a meeting on June 23.
- Architectural Review Committee – Ms. Shimamoto said they met with the Quick Check representative and architect and they are still working on the building façade.
- Open Space – Mr. Morytko said a Hydro geologic investigation is being done at Tamarack Park. There is a well on the property which may not yield sufficient water for irrigation needs. Chairman Shivas suggested pumping water from a nearby lake if it is only needed for lawn watering, and use the existing well for drinking water. Mr. Morytko said he will bring that back to the committee. He added that a gate is being constructed to close off the parking area when the park is closed.
- Board of Health – No meeting held.

ANY OTHER BUSINESS THE BOARD DEEMS NECESSARY

No Board business to discuss.

PUBLIC COMMENT

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

BILLS

No bills submitted.

ADJOURNMENT

A motion to adjourn the meeting was made at 9:05 p.m. by Mr. Walsh and seconded by Mr. Kaufhold. All were in favor. Motion carried. The meeting was adjourned.

Respectfully submitted: *Cheryl White*