

The Planning Board Public Hearing Meeting for a Special Meeting on December 10, 2020 to begin at 7:30 p.m. EST, (Eastern Standard Time) will be held via Zoom, a remote video and telephone conference only.

Please click the link below to join the webinar:

<https://us02web.zoom.us/j/81402667265>

Or Telephone:

Dial(for higher quality, dial a number based on your current location):

US: +1 646 518 9805 or +1 267 831 0333

Webinar ID: 814 0266 7265

If you lack the resources or know-how for technological access you should contact the Planning Board Secretary for assistance. The Planning Board Secretary may be contacted at 973-347-2500 Ext. 132 or via email at cwhite@byramtwp.org.

[Click the link below each application to view details.](#)

**BYRAM TOWNSHIP
SPECIAL MEETING
PLANNING BOARD AGENDA
FOR THURSDAY, DECEMBER 10, 2020
7:30 P.M.**

Revised Dec. 08, 2020

1. CALL TO ORDER

2. ROLL CALL

3. OPENING STATEMENT - both the Federal and State governments have declared a state of emergency in response to the outbreak of the Covid-19 Virus, that limits the number of people allowed to gather, and requires social distancing. To continue Planning Board business, the regularly scheduled meeting for December 10, 2020 is being held by remote video or audio connection only. This service allows the Board, it's professionals, applicants and members of the public to participate.

Adequate notice of this meeting has been published specifying the time and access information in compliance with the provisions of the Open Public Meetings Act. Notice of this meeting is on file in the office of the Planning Board Secretary, posted on the main door, the bulletin board of the Municipal Building, on the Township website at: https://www.byramtwp.org/index.php/meetings/committees/planning_board and has been forwarded to those persons requesting notice.

4. FLAG SALUTE

5. RESOLUTION

SP1-2020, Tomahawk Lake, Tomahawk Trail, Block 343 Lots 1 and 2, C-R Zone
Planning Board determination that this is a permitted use in the C-R Zone.

6. OLD BUSINESS

SP1-2020, Tomahawk Lake, Tomahawk Trail, Block 343 Lots 1 and 2, C-R Zone (carried from November 5, 2020)

To add two new waterslides, to construct a 36' X 40' retail building, and to relocate and install a 10' X 20' ticket booth.

https://byrampdtwp.sharepoint.com/:f:/s/PlanningBoard/EkzmTf4QBF9FvMm5kAW61WgBd77jbE8KNUPW8JGGKZ_gkw?e=SQe4DW

7. OPEN TO THE PUBLIC

8. ADJOURNMENT

The Board Engineer, Board Planner and Board Attorney are sworn in at the beginning of each year and are deemed to be under oath on a continuing basis.

In the matter of Tomahawk Lake, Inc.
Case No. SP1-2020

BYRAM TOWNSHIP
PLANNING BOARD
RESOLUTION OF MEMORIALIZATION

WHEREAS, Tomahawk Lake, Inc. has applied to the Planning Board, Township of Byram for permission to construct new water slides and accessory structures for premises located at Tomahawk Trail and known as Block 343, Lots 1 & 2 on the Tax Map of the Township of Byram which premises are in a “CR” Zone; and

WHEREAS, by ordinance adopted by the Township Council of the Township of Byram under statutory authority, the Planning Board and Zoning Board of Adjustment were combined into one Board which Board possesses and may exercise all powers granted to the Planning Board and Zoning Board of Adjustment pursuant to the Municipal Land Use Law, N.J.S.A. 40:55B-1, et seq., said single Board being known as the Planning Board of the Township of Byram; and

WHEREAS, the Applicant applied for amended site plan approval and variance relief for the proposed structures, as well as a variance for expansion of a non-conforming use (N.J.S.A. 40:55D-70D2); and

WHEREAS, William Askin, Esq., attorney for the Applicant, sent a letter to the Board dated March 11, 2020, presenting an argument that a variance for the expansion of a non-conforming use was not necessary, as the use as a water park had been approved by prior Resolutions of Approval by the Board; and

WHEREAS, A duly noticed public hearing occurred on November 5, 2020 via Zoom, a web-based meeting platform and telephone conferencing service, consistent with Governor Phil Murphy’s statewide ban on public gatherings and in accordance with the Municipal Land Use Law, the Open Public Meetings Act, and the guidance document entitled “Planning Board and Zoning Board of Adjustments Operational Guidance – COVID-19: N.J.S.A. 40:55D-1: Recommendations for Land Use Public Meetings in New Jersey” issued by the Department of Community Affairs, Division of Local Government Services; and

WHEREAS, the Board, after carefully considering the evidence presented by the Applicant and advice from the Board Professionals, made the following determinations:

1. Tomahawk Lake has been in existence for over 70 and has received approvals for all prior improvements.
2. In 1980, Tomahawk Lake received approval to add a water slide to an existing recreational facility, changing the existing swim club to a water park.
3. In previous Resolutions, the Board determined that the use as a water park, not an amusement park, was permitted in the zone.
4. The Applicant received Amended Site Plan Approval each time a slide or other structure was added or changed.
5. The addition of new water slides and accessory structures does not constitute a change in the current use.

NOW, THEREFORE, BE IT RESOLVED by the Planning Board of the Township of Byram on the day of 2020 that Board

determined that Tomahawk Lake Water Park is a permitted use in the zone and therefore, the subject application shall be for Amended Site Plan and related bulk variances.

George Shivas

On motion of:

Seconded by:

The vote on the Resolution was as follows:

AYES:

NAYS:

ABSTAINING:

ABSENT:

I certify that the above Resolution is a true copy of a Resolution adopted by the Planning Board on _____, 2020 and is in effect for one year.

Cheryl White, Planning Board Secretary

Dated:

Prepared by: Alyse Landano Hubbard, Esq.