

MINUTES
BYRAM TOWNSHIP PLANNING BOARD
MEETING JANUARY 17, 2013

CALL TO ORDER

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

ROLL CALL

	<i>Mr. Chozick</i>	<i>Mr. Kaufhold</i>	<i>Mr. McElroy</i>	<i>Ms. Raffay</i>	<i>Mr. Valentine</i>	<i>Ms. Segal</i>	<i>Mr. Walsh</i>	<i>Mayor Oscovitch</i>	<i>Mr. Gonzalez</i>	<i>Ms. Shimamoto</i>	<i>Mr. Shivas</i>
Roll Call	H	H	H	L	A	H	H	A	H	H	H
	Attorney Secretary			Kurt Senesky Cheryl White							

Ms. Raffay arrived at 8:15 p.m.

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 Meeting Act.

FLAG SALUTE led by Chairman Shivas.

MEETING MINUTES FOR JANUARY 3, 2013

A motion was made by Mr. Kaufhold and seconded by Ms. Segal to approve the minutes. The following vote was taken:

<i>Planning Board Member</i>	<i>Mr. Chozick</i>	<i>Mr. Kaufhold</i>	<i>Mr. McElroy</i>	<i>Ms. Raffay</i>	<i>Ms. Segal</i>	<i>Mr. Valentine</i>	<i>Mr. Walsh</i>	<i>Mayor Oscovitch</i>	<i>Mr. Gonzalez</i>	<i>Ms. Shimamoto</i>	<i>Mr. Shivas</i>
Motion		X									
Second					X						
Aye	X	X	X		X		X		X	X	X
Nay											
Abstain											
Absent				X		X		X			

Motion carried.

OLD BUSINESS

Mr. Walsh and Mr. Chozick stepped down for this application.
Z07-2012 Trader, Catherine, 55 North Shore Rd., Block 157 Lot 272, R-5 Zone
 Variance for front and left side setbacks for addition to single family home. (Carried from August 16, 2012 - Requested to carry to January 17, 2013)

A motion to carry the application to March 21, 2013 was made by Mr. Kaufhold and the motion was seconded by Mr. McElroy. It was noted that the applicant must re-notice. The following vote was taken:

<i>Planning Board Member</i>	<i>Mr. Chozick</i>	<i>Mr. Kaufhold</i>	<i>Mr. McElroy</i>	<i>Ms. Raffay</i>	<i>Ms. Segal</i>	<i>Mr. Valentine</i>	<i>Mr. Walsh</i>	<i>Mayor Oscovitch</i>	<i>Mr. Gonzalez</i>	<i>Ms. Shimamoto</i>	<i>Mr. Shivas</i>
Motion		X									
Second			X								
Aye		X	X		X			X	X	X	
Nay											
Abstain											
Absent											

Motion carried.

OTHER BUSINESS

- December 2012 Zoning Officer’s Report.

A permit was issued for an outdoor boiler and Ms. Segal asked if the Board still wanted to discuss an ordinance for outdoor furnaces. Chairman Shivas said the Board should have some time in the near future to discuss ordinances.

- Status on David Nufrio’s application.

Mr. Jeffrey Patti, representing Mr. Nufrio responded to Mr. Senesky’s January 9, 2013 letter and said that financially Mr. Nufrio is not in a position to remedy the problem. He said they have exhausted all avenues, such as retirement savings, second mortgages or personal loans. He said that Mr. Nufrio’s salary for the last few years has been frozen.

He summarized the court proceedings against Mr. Nufrio’s contractor; the matter is scheduled for Bankruptcy Court on March 20, 2013. The contractor filed for Chapter 13 for his business, and Chapter Seven for personal bankruptcy. Mr. Patti is confident that Mr. Nufrio will receive settlement for damages. He noted that the contractor has assets to liquidate and when fraud is added to the charges Mr. Nufrio should receive triple restitution.

Mr. Patti offered several suggestions to remedy this problem including:

1. Allowing Mr. Nufrio to make a new application before the Board to keep the structure, since when the original house was built, it met all setback requirements.
2. Extend the temporary Certificate of Occupancy to allow the court proceedings to finish.
3. Allow Mr. Nufrio to meet the setback requirements by purchasing the adjacent vacant lot, which is for sale and merging it with his own lot.

Chairman Shivas said that if Mr. Nufrio had saved \$7,000. per year for the last seven years he would have enough to demo the structure. He continued to say the Board has allowed seven years of a Temporary Certificate of Occupancy and he does not believe that the Board would vote to allow Mr. Nufrio to keep the structure.

Mr. McElroy said that the original application was denied and various variances were involved in this application, not just the setback for the structure.

Mr. Patti asked the Board for suggestions, since he claimed that Mr. Nufrio cannot afford to demo the building. Mr. Senesky said that financial hardship cannot be considered as a factor when it relates to property. Mr. Senesky asked when Mr. Patti anticipates civil trial to begin. Mr. Patti said he guessed eight months. Mr. Walsh said that the Board sympathizes with Mr. Nufrio’s situation, but that is not the Township’s problem and the Board needs closure.

The Board discussed the trial and the likelihood that Mr. Nufrio will receive restitution. Mr. Nufrio was supposed to have a plan for the Board tonight but nothing was submitted. Mr. Patti reiterated that Mr. Nufrio presented the possibility of purchasing the adjacent lot. Mr. Senesky said that might be a good resolution but said that if Mr. Nufrio decides to try that he should enter into a contract that is contingent upon the Board’s decision.

There was also some confusion about Mr. Nufrio’s Temporary Certificate of Occupancy. The Board Secretary believed it was extended to December 2012. The secretary will get clarification before the next meeting.

A motion was made by Ms. Segal to table the discussion to Feb. 21, 2013 and when Mr. Nufrio appears before the Board he will present a clear, precise plan and actions he will take to remedy this issue. If he moves forward with purchasing the adjacent lot, he must provide a contract or written documentation stating such. The motion was seconded by Mr. Chozick. The following vote was taken:

Planning Board Member	Mr. Chozick	Mr. Kaufhold	Mr. McElroy	Ms. Raffay	Ms. Segal	Mr. Valentine	Mr. Walsh	Mayor Oscovitch	Mr. Gonzalez	Ms. Shimamoto	Mr. Shivas
Motion					X						
Second											
Aye	X	X	X	X	X		X		X		X
Nay											
Abstain											
Absent						X					

Motion carried.

- Status of Mt. Olive’s proposal to State Planning Commission.

On January 16, 2013 the State Planning Commission unanimously voted to approve its staff’s recommendation to change the PA-5 area along Continental and International Drive to PA-2. Chairman Shivas is contacting Mayor Oscovitch to see if

he can get an answer as to why Byram's concerns were ignored. Ms. Segal would also like to see an explanation as to why it was a "blanket" change.

Chairman Shivas offered congratulations to Ms. Raffay, who has been appointed Deputy Mayor by the Township Council.

REPORTS FROM COMMITTEES

- TC** Ms. Raffay said that the Council will have a public budget meeting on Wednesday, January 23, 2013.
- EC** Nothing to report.
- ARC** Nothing to report.
- OS** Nothing to report.

Ms. Shimamoto said there was a Mansfield Superfund Site meeting and negotiations are underway with contractors to install monitoring systems. They will be taking core samples around the trenches and through the bedrock. More work needs to be done to be sure they have cleaned all the TCE from the site.

PUBLIC COMMENT

Chairman Shivas opened to the public
Barbara Mc Loughlin, residing at of 42 River Road and president of the West Brookwood water association thanked the Board for their support and guidance with the Mt. Olive proposal.

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

BILLS

Lou Slaby & Associates, 2 bills, \$577.50

A motion was made by Mr. Walsh and seconded by Ms. Segal to pay Mr. Slaby's bills. All were in favor. Motion carried.

ADJOURNMENT

A motion to adjourn the meeting was made at 10:00 p.m. by Mr. Kaufhold, seconded by Ms. Segal. All were in favor. Motion carried. The meeting was adjourned.

Respectfully submitted: *Cheryl White*