

**MEETING MINUTES**  
**BYRAM TOWNSHIP PLANNING BOARD MEETING**  
**OCTOBER 15, 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			H	H
ABSENT											
EXCUSED								EA	EA		
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 OCTOBER 1, 2015**

A motion was made by Mr. Kaufhold and seconded by Ms. Segal 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.

**RESOLUTIONS**

Z11-2015, Jim and Bonnie Oscovitch, 43 Meteor Trail, Block 332 Lot 3.21, R-5 Zone

A variance for a right and rear yard setback, and relief from a setback to a body of water to construct an addition to a single family dwelling.

A motion was made by Mr. Kaufhold and second by Ms. Segal to approve the resolution as presented. Chairman Shivas recalled that at the meeting it was stated that one wall of the existing house must remain standing, and if all of the existing walls are demolished the applicant must appear back before this Board. The Board agreed. The motion was amended. 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.

**NEW BUSINESS**

Stephen and Marcy Delpome, 200 Lake Drive, Block 254 Lot 8, R-5 Zone

Relief for a front and right yard setback for a previously constructed pool deck and relief for a left yard setback and the proximity of one accessory structure to another accessory structure setback to erect an 8' X 8' shed.

Mr. Delpome was sworn in. Ms. Segal asked how it was that Mr. Delpome had to appear before the Board tonight. Mr. Delpome said he went to the Zoning Officer because he wanted to construct a sun room on his existing deck and while reviewing his survey the zoning officer noticed a pool deck and a shed which were close to the property sidelines. After speaking with Mr. Delpome it was realized that neither approval nor a permit were obtained. Mr. Delpome was told he must go to the Planning Board for approval for the pool deck and shed or have them removed, it is noted that Mr. Delpome did meet the setbacks for the sunroom.

There was Board discussion about the fences depicted on Mr. Delpome's survey and it was determined that the fence along the easterly sideline and the fence in the rear of the property is not fully on Mr. Delpome's property and Mr. Senesky reminded Mr. Delpome that the hearing tonight is not granting permission for the fences, the application tonight is only concerning the pool deck and the shed. Mr. Delpome understood. The Board discussed the setbacks of the shed and asked Mr. Delpome if the shed can be moved back, further into the rear yard and Mr. Delpome agreed. The decision was to give Mr. Delpome some flexibility for the shed location as long as the shed is no closer than 6.6' to the easterly side line and no closer than 8' to the existing deck attached to the home. Mr. Delpome agreed.

A motion was made by Ms. Segal and seconded by Mr. Riley with those conditions. 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- CHANGE OF USE**

WOSP8-2015, Capitol Care, Inc., 7 Waterloo Road, Block 29 Lot 201.03, VB- Zone

Mr. Kaufhold stepped down for this application.

From office use to counseling and treatment services.

Ms. Debra Nicholson, attorney representing the applicant said when they met with the subcommittee on Oct. 1 it was the consensus of the subcommittee to let the full Board hear this application and decide if this proposed use is permitted in the Village Business Zone. Mr. Senesky told the Board that the subcommittee told the applicant to come before the full Board and either seek a site plan waiver; if it is a use permitted in the zone, or an interpretation of the ordinance if the Board decides it is not a use permitted in the zone, and if the determination is that the use is prohibited, the applicant can file an application for a use variance.

Ms. Nicholson reviewed the criteria for a site plan waiver saying that the applicant meets all of the criteria and Ms. Nicholson believes this use is permitted in the VB Zone. She added that some of the permitted uses in the VB zone include; charitable and non-profit organizations, Health and Fitness, and Professional/Medical Office, and Ms. Nicholson said this application fits into all of these categories. Ms. Nicholson added that this organization is for profit but an organization does not have to be a non-profit to be considered inherently beneficial.

Ms. Nicholson said Capitol Care is consolidating locations and this proposed location offers more space for office personnel and small support groups. She added that much of the use proposed at this location will be used for the human resource department, quality assurance and the billing department along with staff offices and the CEO office. She said that two programs will move to this facility; the IOP (Intensive Outpatient Program) and their Addictions Partial Care program and as part of these programs, individual and group therapy sessions will occur.

The Board discussed if medical personnel are staffed at this location and Ms. Nicholson said no, but the staff is fully trained. She said the medical staff travels from location to location so periodically medical staff is at this location. Ms. Nicholson said most of the activities at this site are people with developmental disabilities, and those being treated for addition which have already gone thru a detox treatment program and are receiving support for recovery. She said that night treatment hours will be from 6:00 pm to 9:00 pm. Mr. Valentine asked if medications are dispensed at this facility, Ms. Nicholson said no and said that the intense outpatient treatment center will remain in Stanhope. The Board asked for a maximum number of clients and staff on the site at one time. Ms. Nicholson said 32, comprised of 20 staff members, of which three travel from site to site, and then approximately 12 clients.

Chairman Shivas asked if this type use requires frequent emergency services and the Board had concerns because Byram has a volunteer EMS. Ms. Nicholson said at this facility there should not be much need for emergency services but the applicant would agree to use private transportation if the situation is non-life threatening. Mr. Chozick confirmed that this does not include 911 calls. Chairman Shivas and Ms. Nicholson said correct. The Board also stated if other locations close and move to this location they must come back to the Board since it may affect parking or vehicle circulation.

A motion was made by Ms. Segal and the motion was seconded by Mr. Valentine to grant the site plan waiver 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.

**REPORTS FROM COMMITTEES**

- Township Council – Ms. Raffay said there was nothing to report.
- Environmental Commission - Ms. Shimamoto said the meeting is next week.
- Architectural Review Committee – Nothing to report.
- Open Space – Mr. Morytko said that Tamarack Park is getting ready to be seeded and Mr. Morytko said the park is looking good and if anyone has the opportunity they should visit the site, it will probably be open in the spring. He added that the Open Space Committee is looking for feedback on ways to promote trail use in Byram and any ideas should be sent to someone in the Open Space committee.
- Board of Health – No meeting held.

**ANY OTHER BUSINESS THE BOARD DEEMS NECESSARY**

Housing Element and Fair Share Plan

**BILLS**

Harold E. Pellow & Associates (5 bills) \$1,103.13

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

Schenck, Price, Smith & King, LLP (2 bills) \$750.00

A motion was made by Mr. Chozick and seconded by Mr. Valentine to approve Mr. Stoner’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 9:20 p.m. by Mr Valentine and seconded by Mr. Kaufhold. All were in favor. Motion carried. The meeting was adjourned.

Respectfully submitted: *Cheryl White*