

MINUTES
BYRAM TOWNSHIP PLANNING BOARD MEETING
NOVEMBER 20, 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	H
ABSENT											
EXCUSED						EA					
LATE											

Also present: Attorney Secretary Kurt Senesky 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 Meeting Act.

FLAG SALUTE led by Chairman Shivas

MEETING MINUTES NOVEMBER 06, 2014

The Board had no discussion. 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	Mr. Valentine	Ms. Segal	Mr. Walsh	Mr. Gonzalez	Ms. Shimamoto	Chairman Shivas
Motion					√						
Second			√								
Aye	√		√	√	√		√		√	√	√
Nay											
Abstain		√						√			
Absent						√					

Motion carried.

EXTENSION OF APPROVAL

Z07-2012, Catherine Trader, 55 North Shore Rd., Block 157 Lot 272, R-5 Zone.

One year extension of initial approval for variance relief that expires November 21, 2014.

The Board had no discussion. A motion to approve a one year extension was made by Mr. Kaufhold. The motion was seconded by Ms. Segal. 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					√						
Second							√				
Aye				√	√		√		√	√	√
Nay											
Abstain											
Absent								√			

Motion carried.

RESOLUTIONS

WOSP9-2014, PNC Bank, 32 Route 206, Block 40 Lot 16, SPLT Zone.

To swap a drive-up teller window for a drive-up ATM.

A motion was made by Mr. Chozick and seconded by Mr. Riley 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			√								
Second	√										
Aye	√		√	√	√		√		√	√	√
Nay											
Abstain											
Absent						√					

Motion carried.

Z09-2014, John Ash, 130 Lackawanna Drive, Block 273 Lot 305.01, R-5 Zone.

A variance for a left yard setback and a setback to a body of water to install a standby generator.

Mr. Senesky explained to the Board that the day after the meeting Mrs. Ash called the Board secretary to express displeasure with the condition that they must install a 10 foot wide landscape buffer. She said that their rear yard is only 12 feet deep and to install a 10 foot wide buffer would eliminate a large portion of their lawn and said they did not know they could express their concerns at the meeting. They said that they would like to ask the Board if they can negotiate a smaller buffer and if they can plant in stages so that the cost would not be so great at one time. The applicants were not available for the November 20 meeting to present their concerns but would like to come back at a later time.

Mr. Senesky explained that since the decision was not memorialized the Board has the option to re-consider their findings which would also negate the applicants from having to file a new application and pay additional application fees. The consensus of the Board was that the applicant can come back to state their concerns but must re-notice to properties within 200 feet and publish a legal notice in the newspaper stating that the applicants wish to seek an amendment to a previously approved condition.

Since the notice and publication must be done at least ten days prior to the hearing date and since the applicants are out of town the Board thought that December 18, 2014 would be a better date. The Board secretary will notify the applicant of the Board's decision.

It was noted that Mr. Walsh was absent at the November 6, 2014 meeting but did listen to the meeting recording.

A motion was made by Mr. Riley and seconded by Mr. Kaufhold to approve the extension of the moralization of the resolution. 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	√										
Second					√						
Aye	√		√	√	√		√	√	√		
Nay											
Abstain											
Absent						√					

Motion carried.

Z10-2014, Robert & Patricia Moschella, 3 Mountain Avenue, Block 44 Lot 197 R-5 Zone.

A variance for a front yard setback to construct a second story addition and for an existing 6' fence in the front yard.

A motion was made by Mr. Chozick to approve the resolution with the conditions that the shed be removed, the fence be only 6 feet in height and the pool deck be relocated so that it meets all setback requirements or be removed. The motion was seconded by Mr. Riley. 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			√								
Second	√										
Aye	√		√	√	√		√	√	√	√	√
Nay											
Abstain											
Absent						√					

Motion carried.

ANY OTHER BUSINESS THE BOARD DEEMS NECESSARY

Variance check list

A recommendation was made to the Board that a sealed survey be a requirement on the Planning Board Check List. It was the consensus of the Board that a sealed survey not be required as long as the survey meets all the requirements currently listed on the Check List.

Currently the Check List calls for *elevations and floor plans of proposed construction*. A recommendation was made to add *existing*. The Board agreed.

A motion was made by Mr. Walsh and seconded by Mr. Chozick to **not** require a sealed survey but to add *existing* to elevations and floor plans of proposed construction. 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								√			
Second			√								
Aye	√	√	√	√	√		√	√	√	√	√
Nay											
Abstain											
Absent						√					

Motion carried.

Planning Board Application

In the body of the application, page 3, bullet 3, *Does the property have frontage on a lake? (If yes, stricter zoning standards may apply.)* It was recommended to add *and DEP rules may apply*. It was the consensus of the Board to eliminate the part in parenthesis, not add the recommendation but change the language to how the ordinance reads "Does your property have frontage on a lake, pond, stream or wetlands?"

A motion was made by Mr. Walsh and seconded by Mr. Chozick to amend the application. 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								√			
Second			√								
Aye	√	√	√	√	√		√	√	√	√	√
Nay											
Abstain											
Absent						√					

Motion carried.

Septic Certification

The Board talked about the septic certification requirement as discussed at the May 1, 2014 meeting. It was the consensus of the Board that the adequacy of the septic is not under the purview of the Planning Board. The Board agreed that the Board attorney can include language in the resolution, if needed. The Board believes that any septic issues are under the purview of the local Board of Health. Since the PB secretary disseminates applications to the local BOH for review and comment and prior to the Planning Board public hearing, a determination can be made at that time and under their purview.

There was Board discussion about creating a fact sheet for residents with phone numbers or websites that may be helpful. The Board secretary will look into this.

REPORTS FROM COMMITTEES

- *Township Council:* Ms. Raffay announced the retirement of the zoning officer, John Gutwerk. She said that the Route 206 holiday lights will be going up soon. She also announced that Byram entered into an agreement for a joint court with Andover Twp., Green, Fredon and Andover Borough which will be effective January 1, 2015. She added that a resolution was recently passed denying Catherine Varian’s appeal to the Council regarding recent Planning Board decisions. The appeal was denied because the variances were not D variances.
- *Environmental Commission:* No meeting.
- *Open Space Committee:* No meeting.
- *Architectural Review Committee:* No meeting.
- *Board of Health:* No meeting.

BILLS

Schenck, Price, Smith & King, LLP (8 bills) \$1,525.00

A motion was made by Mr. Walsh and seconded by Mr. Chozick to approve Mr. Senesky’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 9:30 p.m. by Mr. Walsh and seconded by Mr. Chozick. All were in favor. Motion carried. The meeting was adjourned.

Respectfully submitted: *Cheryl White*