

MINUTES
BYRAM TOWNSHIP PLANNING BOARD
November 3, 2011

CALL TO ORDER

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

ROLL CALL

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

STATEMENT BY SECRETARY

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.

MINUTES:

October 20, 2011

A motion was made by Ms. Segal and seconded by Mr. McElroy to approve the minutes as presented. 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
Nay											
Abstain											
Absent	X	X				X		X			

Motion carried.

NEW BUSINESS

Z07-2011 – Peter & Aimee Dlugos – Block 283 Lot 263, 58 Winding Way, Zone R-5

C-Variance for front yard setback to construct covered walkway over existing walkway.

Applicant Peter Dlugos, contractor Gerard Miller and architect Michael Bengis were sworn in. Mr. Dlugos provided a brief description of the project, noting that the current wood walkway and steps are in disrepair. He proposes to construct an eight foot wide porch with a peaked roof over the front entry; the walkway will wrap around the house with a peaked roof at the corner and continue to the garage with a shed roof over the garage doors, with lanterns to be installed under each peak. The walkway will be anywhere from 2 inches to 12 inches off the ground, with footings; and the current gutters on the roof will take the rainwater run-off into the existing leaders. According to Mr. Dlugos, the proposed walkway is viewed by neighbors as an improvement to the dwelling and is consistent with homes in the surrounding neighborhood.

A motion was made by Mr. Walsh and seconded by Mayor Oscovitch to approve the application. 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
Nay											
Abstain											
Absent	X	X				X		X			

Motion carried.

RESOLUTIONS

SUSTAINABILITY ELEMENT

A motion was made by Ms. Segal and seconded by Mayor Oscovitch to adopt the Sustainability Element as an amendment to the Master Plan. 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								X			
Aye				X	X			X		X	X
Nay											
Abstain											
Absent		X				X					

Motion carried.

OLD BUSINESS

SP1-10 First Hartford Realty Corp/CVS Pharmacy/Barone's, B 34 Lot 14 & 15, 77 Rt. 206, Zone VB Mtg. dates 3/3, 4/21, 7/7, 7/21, 8/18, 9/1, 10/6 (carried from 10/20)

Preliminary & Final Site plan, Minor Subdivision, & Use Variance. **(Requested to carry to 12/1/2011)**

Chairman Shivas noted he had a meeting with Mr. Barone and the CVS realty manager on Wednesday, Nov. 2nd. CVS will be amending their application proposing only the construction of the pharmacy, which will only require two variances; 1) size of building 2) drive through. There was some discussion amongst the Board as to whether this will be considered an amended application or a new application. Board Attorney Mr. Senesky will check into it and advise the Board.

A motion was made by Ms. Segal and seconded by Mr. McElroy to carry the application to Dec. 1, 2011 with no further notice. 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			X								
Aye			X		X		X		X	X	
Nay											
Abstain											
Absent	X	X				X		X			

M

Motion carried.

OTHER BUSINESS

- Zoning Officer's report for September
There were no comments or questions regarding the report.
- Meeting dates for 2012

The Board reviewed the proposed 2012 meeting dates and determined to omit the April 5 and November 15 dates. A motion was made by Ms. Raffay and seconded by Ms. Segal to approve the 2012 meeting dates. 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					X						
Aye			X	X	X		X	X		X	X
Nay											
Abstain											
Absent	X	X				X		X			

Motion carried.

- Nufrio Application Status

Mr. Patti, attorney for applicant David Nufrio, sent a letter to the Board dated Nov. 3, 2011 notifying the Board of his intent to file a complaint to the Grand Jury. There was some discussion amongst the Board regarding the lack of action being taken on behalf of Mr. Nufrio and the length of time of this matter. The

Board determined to send a letter to Mr. Patti that, if by Dec. 1, 2011 a complaint is not filed, Mr. Nufrio's Temporary Certificate of Occupancy will be revoked.

A motion was made by Ms. Segal that a copy of a filed complaint be presented to the Board on Dec. 1, 2011. That motion was seconded by Mr. McElroy. 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			X									
Aye			X	X	X			X		X	X	
Nay							X					
Abstain												
Absent		X	X			X			X			

Motion carried.

REPORTS FROM COMMITTEES

Township Council

- Mayor Oscovitch noted that on November 11, 2011 at 11:00 a.m. there will be a ceremony at the Veteran Memorial and a dedication marking the 20th Anniversary of the monument.

ARC

- Mr. McElroy, ARC member, noted there is a vacancy on the ARC.

Environmental Commission

- Ms. Segal noted there is a vacancy on the Environmental Commission.
- On Nov. 10 there will be a rally at Lurker Park in East Hanover regarding the Susquehanna – Roseland power line project.

Open Space

- Township Engineer Cory Stoner had a pre-application meeting with the NJDEP regarding the Jones Lane field proposal. The NJDEP will not allow a deviation from the 300' buffer from a C-1 stream. Cory will go to the Township Council for more funding to re-design the plan to comply. Ms. Segal will try to get a copy of the proposed plan for the Board's review.

DISCUSSION ITEMS

Board Member Mr. Walsh would like to the Board to review how the building height is calculated. He noted it is a complicated process and is hard for residents and the Board to understand.

Ms. Segal added that the Board needs to start taking about the ordinances they may be looking at for 2012/2013, such as Alternative Energy, Accessory Structure, Outside Furnace, and Soil Importation.

Chairman Shivas noted that the Nov. 17th meeting will be a Highlands Re-exam workshop, if all the data needed is received.

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

BILLS:

Louis Slaby & Associates \$2,897.25 (four bills). A motion was made by Ms. Segal and seconded by Mr. McElroy to approve Mr. Slaby's bills. 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			X									
Aye			X	X	X		X			X	X	
Nay												
Abstain								X				
Absent		X	X			X			X			

Motion carried.

ADJOURNMENT:

At 9:00 p.m. Mr. McElroy made a motion to adjourn; it was seconded by Mr. Walsh. All were in favor and Chairman Shivas adjourned the meeting.

Respectfully submitted:
Cheryl E. White