

**MINUTES**  
**BYRAM TOWNSHIP PLANNING BOARD MEETING**  
**NOVEMBER 06, 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
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 Meeting Act.

**FLAG SALUTE** led by Chairman Shivas

**MEETING MINUTES OCTOBER 16, 2014**

The Board had no discussion. A motion was made by Ms. Segal and seconded by Mr. Riley 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.

**SITE PLAN WAIVER**

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

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

The representatives from PNC met with the subcommittee and based on the material submitted and since the criteria established for a waiver were met, a motion was made by Mr. Valentine to grant the waiver. The motion was seconded by Mr. Kaufhold. 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.

**NEW BUSINESS**

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

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

John Ash, owner and applicant was sworn in and said that because of the chaos during hurricane Sandy he wants to install a 16k generator fueled by propane. Because of the location of the electrical panels and under the advisement of the installers, the left side of the house was the best location. Chairman Shivas asked about the proximity of the closest neighbors, and Mr. Ash said it was about 25'. Mr. Riley asked why the tanks were not on the same side of the generator. Mr. Ash said because that is where the grill is located. Chairman Shivas added that the tanks cannot be near the generator. The size of the proposed propane tanks was unknown. Board Attorney, Mr. Senesky asked about the noise and it was said that standby generators are less noisy than portable generators.

Chairman Shivas asked about the comments received by the Environmental Commission regarding a vegetative buffer. Mr. Ash said about 40% of his property along the lake is landscaped. Chairman Shivas said that most of his landscape is trees and that the EC recommends buffers that help the lake, whereas trees are not good buffers. The EC provided the Board secretary with a list of plants that help the lake and are good lake buffers. The Board secretary will provide a copy to the applicant. Mr. Ash agreed as a condition to plant a 10' buffer with a deadline of June 30, 2015.

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

A motion was made by Ms. Segal to approve the variance with the condition of the 10' buffer. The motion was seconded by Mr. Valentine. 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.

Robert and Patricia Moschella, property owners were sworn in and said that they wish to add a 24’ x 28’ addition which will include a two car garage with living space above the garage to include a master bedroom and bath. The other bedrooms will be reconfigured but the house will remain a three bedroom house.

Ms. Moschella said that when they moved in there was an existing 6’ fence, which they have replaced several times not knowing a variance was required. Mr. Senesky asked about the current height of the fence and Ms. Moschella said it is currently 7’ but they will cut it down to 6’. It was noted the Board secretary checked the records for prior approval for a 6’ fence but no records were found. The Board asked about the fence in the rear of the property and Ms. Moschella said that fence belongs to the property owners behind them. Mr. Moschella replaced it for them but it is not on the Moschella property. The Board felt that because of the pool and for safety reasons, a 6’ fence would be acceptable.

The applicants noted that they have community water and the septic is depicted on the plan submitted.

The Board attorney asked about the pool and if permits were obtained. Ms. Moschella said yes. The Board asked about the distance of the pool deck to the addition, and Ms. Moschella said they would move the pool decking so that it is no closer than 10’ to any other structure and it will meet all setbacks from the property line. The Board noted that if they cannot meet the setbacks required for their zone or the 10’ requirement for an accessory structure, it would have to be removed or a variance would be required.

The Board noted a correction to the existing front yard setback on the Mountain Avenue frontage which was corrected on the zoning table within the application.

The Board asked about the shed on the side of the property abutting Woods Edge Road, the applicants said they are removing that shed.

The applicants noted that neighbors were happy with the proposed plan and believe it is an improvement to the neighborhood.

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

A motion was made by Mr. Riley to approve the application with the conditions that the fence be 6’, the removal or relocation of the deck around the above ground pool so it complies with the zoning requirements and the removal of the shed on the left side of the property. The motion was seconded by Mr. Valentine. 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**

Z08-2014, Monica Osgood, 241 Lake Drive, Block 255 Lot 225, R-5 Zone.

A variance for relief from a setback to a body of water for an existing deck and an above ground pool.

A motion was made by Mr. Kaufhold and second by Mr. Valentine to approve the resolution 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.

Z11-2-13, Juan and Stephanie Agudelo, 66 Lee Hill Road, Block 337 Lot 1.02, R-3 Zone

To extend the period of time to record the subdivision deed to February 6, 2015.

A motion was made by Mr. Riley and seconded by Ms. Segal to approve the resolution 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.

**DISCUSSION ITEM**

Ordinance 240-25 Proximity of structures to waterways, vs. residential zoning requirements.

There was Board discussion about the ordinance and if removing section C would eliminate confusion. The Board felt that a soil and sediment control plan was important so that should remain. Mr. Senesky will write some language for the Board to review and if the Board is in agreement the Board will make a recommendation to the Council.

**REPORTS FROM COMMITTEES**

- *Township Council:* Ms. Raffay said there was a committee head meeting and they discussed the proposed sign ordinance, zoning enforcement, Planning Board conditions of resolutions and the

Board attorney being more specific with regards to additional permits possibly being required by other agencies. The Board attorney agreed to be more specific.

Ms. Raffay added that the Environmental Commission, the local Board of Health and a member of the Planning Board will meet with the County Board of Health to review municipal services provided by the County.

Ms. Raffay added that the Township recently passed an ordinance accepting Partridge Road as a Township Road.

- *Environmental Commission:* No report.
- *Open Space Committee:* No report.
- *Architectural Review Committee:* No meeting.
- *Board of Health:* No meeting.

### **BILLS**

Harold E. Pellow & Associates, Inc. (3 bills) \$306.25

A motion was made by Mr. Valentine and seconded by Mr. Kaufhold 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 9:40 p.m. by Mr. Valentine and seconded by Mr. Kaufhold. All were in favor. Motion carried. The meeting was adjourned.

Respectfully submitted: *Cheryl White*