

MEETING MINUTES
BYRAM TOWNSHIP PLANNING BOARD MEETING
FEBRUARY 05, 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		A	H
ABSENT											
EXCUSED									EA		
LATE											

Also present: Attorney Kurt Senesky
 Engineer Cory Stoner
 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 JANUARY 15, 2015

A motion was made by Mr. Chozick 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.

Ms. Raffay arrived @ 8:10 p.m.

EXTENSION

Byram Land Development, LLC (formally JTK Associates), 9 Lackawanna Drive, Block 226 Lot 16, V-B Zone

One year extension for variance approval for prohibited use for outdoor storage and minimum distance for parking to a building. (This is the third extension requested, initial approval was granted February 3, 2011.)

Mr. Riley and Ms. Raffay stepped down for this application.

Mr. Patrick Dwyer, Attorney representing Byram Land Development, LLC said that Byram Land intends on continuing with the proposed development and are in the process of changing the names on various permits obtained under JTK Associates to Byram Land Development, LLC and added that the economy has also hindered the project. They are continuing to work on the sewer allocation which has been challenging but the plan is to develop the land as approved. Mr. Carton said that currently JTK is renting the property to store equipment. Mr. Stoner asked about the equipment on the site and if it has intensified. Mr. Carton said he has always stored equipment on the site and that Byram Land Development has grandfathered rights to allow outdoor storage.

The Board had no further questions. Chairman Shivas opened to the public. No one from the public came forward. Chairman Shivas closed to the public.

A motion to approve the final one year extension was made by Mr. Valentine which 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			√								
Seconded							√				
Aye			√		√	√	√				√
Nay											
Abstain											
Absent									√	√	

Motion carried.

NEW BUSINESS

Z01-2015, Darren Boucher, 69 Brookwood Rd., Block 365.01 Lot 19, R-3Zone

Variance for a side yard setback to install a standby generator and a propane tank.

Home owner Darren Boucher said he wishes to install a 20KW, propane fueled 2'X4' generator, which will sit on a concrete pad on the right side yard. Mr. Boucher said that based on the location of his electric source, this is the best location for the generator. Mr. Boucher added that in the future he will install a fence so that the unit will not be visible to the neighbors noting that the nearest neighbor is approximately 40'. The Board had no further questions.

Chairman Shivas opened questioning to the public. No one from the public came forward. Chairman Shivas closed to the public. The Board had no further questions.

A motion to approve the variance was made by Mr. Walsh and 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								√			
Seconded						√					
Aye	√	√	√	√	√	√	√	√			√
Nay											
Abstain											
Absent									√	√	

Motion carried.

Z11-2014, Walter Edwards, 19 Meteor Tr., Block 164 Lot 19, R-5 Zone

Variance for two front yard setbacks, a side yard setback, and a setback to a body of water to construct an addition to a single family dwelling and to add two decks.

Mr. Walsh stepped down for this application

Walter and Kathy Edwards were sworn in and said they wish to add a 20' X 24' addition to the top of the home that would not extend the footprint of the home and to add two decks that would total 1, 087 square feet. He added that they recently installed a new two bedroom septic and that the house would remain two bedrooms with an office.

Chairman Shivas asked about disturbance to the paper street that was noted on the engineer's report. Mr. Edward's said there has been some debate as to the ownership of that property. Mr. Walsh, Cranberry Lake Community Club Governor said that years ago Cranberry Lake Development Co. said that they obtained several pieces of property for the sole use of lake access for non-lakefront residents. He said the club cannot find any legal documents to prove ownership but surrounding property owner's deeds references these trails for lake access. Mr. Walsh added that currently there are three possible owners of the property; Mr .Roland Price, The Cranberry Lake Community Club or The Township of Byram. Mr. Senesky cited a Statue from the MLUL saying that if the official map calls it a street, then the Township must consider it a street. Since Byram's official map shows it as a "paper street" then the Edward's lot must be considered a corner lot and permission to disturb the paper street should have been obtained from the Planning Board. Mr. Edward's stated that the property has been restored and no further disturbance will occur.

Chairman Shivas asked about the water supply for the home. Mr. Edwards said they have seasonal water and during the winter they draw from Cranberry Lake and have a water filtration system. Mr. Edwards added that in the future if it is possible he wants to pursue a well on the property.

The Board had discussion about the number of decks proposed. Mr. Edwards said two decks are proposed but one, the one on the left side was already constructed. If approval is not obtained for the deck already constructed, he'll remove it. Mr. Edwards said that both decks would have steps leading to the lake and the road with a three foot landing in between. Both decks would be connected by the steps. The total square footage of the decks combined will be approximately 1,087 square feet. The steps for the deck on the right of the dwelling will be five feet from the right side property line adding that the distance between the steps on the deck on Lot 22 and the proposed steps for the applicant's deck will be eleven feet. After further discussion Mr. Edward's said he is willing to relocate the steps on the right side (next to Lot 22) to the run along the dwelling and not along the deck, this will allow for a greater setback.

There was a discussion about the façade height and number of stories and it was determined that a variance would be required for number of stories. Mr. Edwards will revise the zoning table.

Chairman Shivas advised Mr. Edwards that a silt fence would be required as well as a ten foot wide landscape buffer that must be approved by our Township planner.

There was Board discussion about the plans submitted and the Board was not comfortable approving this application. The Board asked for further details regarding:

- Structural details for the decks
- Building coverage calculations
- Lot disturbance calculations
- An updated zoning table
- A septic As-built
- Pages should be numbered and labeled
- Dimensions must match plan to plan

Mr. Stoner asked if the applicant heard from the DEP regarding the disturbance within 25 feet of the lake. The applicant said they have not received a response. Mr. Stoner asked if further disturbance will occur within 25 feet of the lake. Mr. Edwards said the deck footings can be moved to avoid disturbance within 25'.

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 carry the application to Feb. 19, 2015 with no further notice. 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							√				
Seconded					√						
Aye	√	√	√	√	√	√	√				√
Nay											
Abstain											
Absent									√	√	

Motion carried.

REPORTS FROM COMMITTEES

- Township Council
Ms. Raffay said that on Feb. 3 the Council met with Paul Gleitz, Township Planner, some members of the EDAC, Planning Board and ARC to review the draft sign ordinance. Some minor changes were made, a draft should be forthcoming.
- Environmental Commission – No representation was present.
- Open Space – Nothing new to report.
- Architectural Review Committee – No report.
- Board of Health – Ms. Segal said Byram Township has a new County representative, Denise Webb. Ms. Segal added that changes are coming regarding the way the septic process is handled; the septic plans will start coming to the Township first. A subcommittee is being formed to design a new process.

ANY OTHER BUSINESS THE BOARD DEEMS NECESSARY

- Site Plan waiver for change of tenant in Byram Plaza. Formally Pet Value, new tenant, Hobby Town.
- Site Plan waiver for change of tenant for 172 Lackawanna Dr., formally Down to the Bone BBQ, new tenant, The Trout and the Troll.
- Byram Car Wash - The Board discussed the lighting on the vacuums and the other changes the owner proposed. *The Board secretary will send a letter to the owner to get status on their forthcoming application.*
- Sustainable Jersey Conservation Easement Grant Process for Planning Board – *The Board secretary will send a copy of the survey to the Board. The Board was encouraged to provide input.*

BILLS

Schenck, Price, Smith & King, LLP (4 bills) \$727.50

A motion was made by Mr. Walsh and seconded by Mr. Valentine to approve Mr. Senesky’s bills. All were in favor. Motion carried.

Harold Pellow & Associates, LLP (4 bills) \$2842.88

A motion was made by Mr. Walsh 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.

John Garrity, 13 North Shore Trail West said that after listening to the Board’s conversation about new septic procedures and approval he hopes that rules aren’t put in place that make the process more difficult. He believes they need to be simple so that people comply, if the process is too burdensome, some residents may not do things the right way.

ADJOURNMENT

A motion to adjourn the meeting was made at 10:15 p.m.by Mr. Valentine and seconded by Mr. Kaufhold. All were in favor. Motion carried. The meeting was adjourned.

Respectfully submitted: *Cheryl White*