

MEETING MINUTES
THE BYRAM TOWNSHIP PLANNING BOARD
AUGUST 17, 2017

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	Ms. Segal	Mr. Walsh	Mr. Gonzalez	Ms. Shimamoto	Chairman Shivas
HERE	H	H	H	H	H			H		H
ABSENT										
EXCUSED						EA	EA		EA	
LATE										

Also present: Attorney Kurt Senesky
 Engineer Cory Stoner
 Planner Paul Gleitz
 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

MINUTES

Approval of the August 3, 2017 Meeting Minutes

A motion was made by Mr. Kaufhold to approve the minutes. The motion was seconded by Mr. Morytko. There was no discussion. The following vote was taken:

	Mr. Riley	Mr. Morytko	Mr. Chozick	Ms. Raffay	Mr. Kaufhold	Ms. Segal	Mr. Walsh	Mr. Gonzalez	Ms. Shimamoto	Chairman Shivas
Motion					√					
Seconded		√								
Aye		√	√		√					√
Nay										
Abstain	√			√				√		
Absent						√	√		√	

Motion carried.

APPEAL OF ZONING OFFICER VIOLATION

Jennifer Smith, Block 249 Lot 99, 113 Lake Drive, R-5 Zone

Mr. Dennis R. McConnell, from McConnell, Lenard & Campbell, LLP, representing Asa Yohananov, applicant, and Jennifer Smith, owner, requested that the Board grant a thirty day adjournment. Mr. McConnell said that Mr. Yohananov believes that he may be able to re-locate the garage to an area on the property that will not require a variance. They will work with the zoning officer and building inspector to accomplish this goal.

There was no Board discussion. A motion was made by Mr. Morytko, the motion was seconded by Mr. Riley. The following vote was taken:

	Mr. Riley	Mr. Morytko	Mr. Chozick	Ms. Raffay	Mr. Kaufhold	Ms. Segal	Mr. Walsh	Mr. Gonzalez	Ms. Shimamoto	Chairman Shivas
Motion		√								
Seconded	√									
Aye	√	√	√	√	√			√		√
Nay										
Abstain										
Absent						√	√		√	

Motion carried.

OLD BUSINESS

Ms. Raffay stepped down for his application.

Alex Rubenstein, Block 234 Lots 1.04, (3 Partridge Road) and Lot 1.05 (1 Partridge Road) and Block 364 Lot 8 (14 Reis Avenue), R-2 Zone.

Variance to erect a 2,400 sq. ft. garage in the front yard, the purchase of a portion of Block 364 Lot 8, proposal of a lot line adjustment, and a request to amend the delineation of conservation easements.

Mr. Michael Selvaggi from Lavery, Selvaggi, Abromitis & Cohen, P.C. representing the owner and applicant, Mr. Alex Rubenstein, said they were back this evening to present a revised easement plan based on Board comments at the August 3 meeting. Mr. Selvaggi introduced Mr. Dennis Keenan, Engineer, who is still under oath.

Mr. Keenan talked about the plan submitted, Minor Subdivision Plan, Sheet 1 of 2, dated April 2, 2015 which shows the easement as proposed, with markings showing where the Board discussed re-locating the easement. Mr. Keenan presented Exhibit A2, dated August 9, 2017, "Proposed Lot Easement Plan, Sheet 3 of 7 which is a highlighted version of the submitted plan. Mr. Keenan said they labeled the easements for better identification. Easement "K" is the 3.60 acre easement proposed at the Northwest portion of the property which the Board had no issue with. The 6.44 acre Easement labeled "J" was revised based on Board comments and Mr. Keenan reviewed the revisions saying that they shifted the bottom portion of the easement closer to the house, leaving enough room around the house for the residents. Mr. Keenan said the total acreage of the easement area remains unchanged to 10.04 acres. The Board was favorable to the change and had no questions.

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

Chairman Shivas explained to Mr. Selvaggi and Mr. Rubenstein that the Board attorney will draft a memo to the Governing Body that the Board recommends the re-location of the easements. Kurt said a resolution will be available for the Sept. 7 meeting, and he will send a draft copy to Mr. Selvaggi for review.

A motion was made by Mr. Morytko, the motion was seconded by Mr. Riley to approve this application. The following vote was taken:

	Mr. Riley	Mr. Morytko	Mr. Chozick	Ms. Raffay	Mr. Kaufhold	Ms. Segal	Mr. Walsh	Mr. Gonzalez	Ms. Shimamoto	Chairman Shivas
Motion		√								
Seconded	√									
Aye	√		√		√			√		√
Nay										
Abstain				√						
Absent						√	√		√	

Motion carried.

NEW BUSINESS

SP2-1017, Lake Mohawk Country Club, Block 293 Lot 6.01, and Block 291 Lot 1.01, West Shore Trail, R-3 Zone

Replacement of the West Shore Trail South Gate monument sign, entrance kiosk, roadway widening pavement resurfacing, and a new split rail fence.

Mr. Kevin Kelly, Esq., from Kelly and Ward, Sparta NJ introduced Mr. Thomas Lamanowicz, Engineer from CP Engineers. Mr. Lamanowicz was sworn in and provided the Board with his education and experience. The Board accepted him as an expert in his field.

Mr. Lamanowicz said at the July 6 meeting, this application was deemed complete and a determination was made that a site plan was not required, however a variance for the size of the sign was the reason this applicant was here this evening.

Mr. Lamanowicz presented Exhibit A1, dated August 17, 2017 an 11" X 17" plan of *Sign Details* with corrections saying that the dimensions on the submitted plan, Sheet C-006, Dated April 7, 2017 were incorrect. Mr. Lamanowicz reviewed the correct dimensions:

- The proposed sign (the rectangle identification sign that hangs from the pole beam) is 6' X 2.5'
- Height of stone pillar 6.0'
- Proposed width of the sign is 9.5"
- Height of tapered pillar is 8.3'
- Sign overall will be 15 sq. ft.

Mr. Lamanowicz presented Exhibit A2, dated August 17, 2017, *various photos of the existing sign and other signs around Lake Mohawk*. Mr. Lamanowicz said some of the signs match the design of the proposed sign, and some that look more commercial, which they are trying to prevent. Mr. Lamanowicz said that the current sign is small and inconspicuous. He said the need for the size of the sign is define the entrance, adding that the roads in this area are small and there is no room for u-turns and that the proposed sign should help eliminate confusion. He added that the proposed sign fits into the character of other signs for Lake Mohawk, and the community, and will have a stone, rustic look. He said the sign will not be illuminated and will not have a lantern as depicted on one of the submitted photos.

Mr. Lamanowicz said that Byram's ordinance does not address signs for private, gated communities, and said the ordinance addresses signs in residential neighborhoods usually associated with home occupation signs. There was Board discussion about whether the applicant requires a C1 variance verses a C2 variance. Paul believed a C2 variance, described the purpose and intent. **I. To promote a desirable visual environment through creative development techniques and good civic design and arrangement;** better defines their intent, and Paul added that since it may prevent u-turns, the Board could consider **A. To encourage municipal action to guide the appropriate use or development of all lands in this State, in a manner which will promote the public health, safety, morals, and general welfare;** Paul said that this proposal benefits the community by preventing the u-turns, the traffic confusion, and satisfying the public safety and welfare by properly identifying the site and vehicle traffic on and off the site. Paul asked if this is an upgrade to the visual impact site. Mr. Lamanowicz said yes.

Chairman Shivas asked if a new gate is proposed. Mr. Lamanowicz said yes, but a review is not required for the site since it is on private property. There was Board discussion as to why a site plan was not required. Paul said this property does not have a Block and Lot, and it is located on a private R.O.W., and said Byram's ordinances are designed for regulating development on parcels of land that have a Block and Lot, and to determine setbacks would be difficult because it is not really a lot.

Paul recommended that the Board request that the resolution state the height of the sign and that revised plans, with the correct dimensions be submitted for Board signature. Cory asked about the "kiosk" on the plan. Mr. Lamanowicz said that is a keypad on a pole, it is not a kiosk.

Ms. Raffay has concerns that the proposed sign will be too close, or blocking the stop sign. Mr. Lamanowicz said the monument sign is twenty feet away but they will make sure the monument sign will not interfere with the stop sign. Cory suggested that there be a condition that the Board Engineer inspects the sign for a safe sight distance. The Board agreed.

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 and the motion was seconded by Mr. Kaufhold to approve the application. The following vote was taken:

	Mr. Riley	Mr. Morytko	Mr. Chozick	Ms. Raffay	Mr. Kaufhold	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 reminded the Board that Byram Day is September 9. She discussed the petition that was filed to repeal the Bond Ordinance for the new Municipal Complex and that on August 15, 2017 the Council voted to repeal the Ordinance.

Environmental Commission – No representative present at the meeting.

Open Space – Mr. Morytko said they are still working on the Forestry Stewardship Plan with Ron Farr, and he talked about the County Open Space ballot to re-allocate funding for Stewardship plans. He added that the well drilling at Tamarack Park yielded great results; they have a good water flow.

Architectural Review Committee – Mr. Morytko said they met with Tony Reis, owner of APEP Inc., saying that he is proposing some changes to his roof. They reviewed the design and colors and were pleased with the plan. He said they also met with the owner's of Byram Car Wash, they are proposing some changes, and the committee plans to meet with Mr. Paladino again for further review.

Board of Health – No representative present at the meeting.

BILLS

No bills were submitted.

OPEN TO THE PUBLIC

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 9:15 p.m. by Ms. Kaufhold, and seconded by Mr. Morytko. All were in favor. Motion carried. The meeting was adjourned.

Respectfully submitted: *Cheryl White*