

MEETING MINUTES
BYRAM TOWNSHIP PLANNING BOARD MEETING
MARCH 17, 2016

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
 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 March 3, 2016 Meeting Minutes

A motion was made by Ms. Segal and seconded by Mr. Walsh to approve the minutes as written. 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.

SITE PLAN WAIVER

Professional Astrology Center, Block 42 Lot 109.01, 14 Route 206, V-B Zone

Change of use - To open an astrology center in a portion of a residential dwelling.

The committee met with the applicant and determined this application meets the criteria for a site plan waiver. Ms. Segal said that the applicant has been in business for twenty years, services are provided by appointment only and normally they have one or two appointments daily. Ms. Segal added that they will designate four spaces for customer parking, and they will use the existing sign with a new message.

A motion was made by Ms. Segal and seconded by Mr. Walsh to grant the waiver. 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.

RESOLUTIONS

George Wustefeld, and Sharon Mc Carroll, 88 Birch Pkwy., Block 308 Lot 1845, R-5 Zone

Relief from a setback to a body of water and a rear yard setback to construct a 24' X 32' boathouse.

Mr. Senesky said a minor change was made on page 3, correcting the height of the existing boat house. A motion was made by Mr. Walsh and seconded by Mr. Chozick to approve the resolution with the correction. 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.

Peter and Susan Mirz, 22 Fieldstone Tr., Block 337.08 Lot 38.43, R-3 Zone

Relief from the disturbance of steep slopes, and a front yard setback to construct an 18' X 37' X 29' in-ground pool.

The Board had no discussion. A motion was made by Mr. Walsh and seconded by Mr. Riley to approve the resolution as written. 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.

PB2-2016 Resolution of the Planning Board of the Township of Byram Regarding the 2016 Housing Fair Share Plan

Mr. Gleitz said there were some minor amendments to the document. An executive summary was added, and a chart showing zoning vs. land use but the most significant change was to the RDP calculation because septic suitability properties and properties with conservation easements were removed. He reviewed the credits and adjustments talking about how that changed the numbers in the planning and preservation area. There was a lengthy discussion about the next steps. The Board endorsed the document and congratulated Mr. Gleitz on a job well done. Chairman Shivas opened to the public.

Jared Auchter, 25 Lake Drive asked what the penalty would be if Byram does not meet the numbers dictated by the courts. Mr. Gleitz summarized the history of COAH and said it is a constitutional mandate that municipalities provide affordable housing, and if a municipality ignores the mandate the courts could force a higher density of development. Mr. Gleitz added that the courts should take into account Byram's constraints on development.

The Board had no further discussion. No one else from the public came forward. Chairman and Shivas closed to the public.

A motion was made by Mr. Riley and seconded by Mr. Chozick to approve the plan as written and adopt the resolution. 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

Jared Auchter, 25 Lake Drive, Block 242 Lot 26.08, R-5 Zone.

Relief from a setback to a body of water, and a right yard setback to install a stand-by generator. Relief from a setback to a body of water, and an accessory structure in a front yard for a pre-existing shed, and relief from a setback to a body of water to construct a 8' X 12' enclosed mud room.

Homeowner Jared Auchter was sworn in and described his property saying that he would like to install a propane fueled generator on the southwesterly side of his home, a mud room on the northeasterly side of his home, and obtain approval for a pre-existing shed. Chairman Shivas said he believed that the proposed location of the propane tank would not be allowed; he believed there had to be 15' between the house, generator, and propane tank. Mr. Auchter said he has a propane fueled fire place installed by a contractor, with permits, and the tank is up against the house with no issues. There was Board discussion about this and the Board asked if Mr. Auchter wanted to verify that the proposed fuel tank location was allowed because if he later leaned the generator had to be moved, he would have to return to the Board. Mr. Auchter said he was willing to take that risk.

The Board discussed Mr. Auchter's survey asking about the access easement; Mr. Auchter said this became a legal issue a few years ago with the previous owner's of Lot 26.02, and the court determined Mr. Auchter owned the access easement and the driveway. It was noted that Lot 26.07 shares Mr. Auchter's driveway. The Board also noted that Mr. Auchter's property does not abut a road which would mean the property does not have a front yard, this would require a variance, and all setbacks would have to meet side yard requirements.

The Board discussed the variance needed:

- Generator requires a side yard setback, and a setback to a body of water.
- Shed requires a side yard setback, and a setback to a body of water
- Mud room requires a setback to a body of water.
- To permit a structure without frontage on an improved roadway.

The Board discussed the pre-existing shed. Mr. Auchter said he believes it has been there for twenty years. The Board said that the shed depicted on the survey appears larger than what was noted on his application. The Board asked Mr. Auchter why the shed was placed there, and so close to the property boundary and Mr. Auchter said because of the septic and septic field, this was the best location. Ms. Shimamoto asked about the deck and if a permit was obtained. Mr. Auchter said yes.

Mr. Gleitz talked about the landscape buffer requirement. Mr. Auchter believed that the Environmental Committee sent a memo that the buffer was not required; the Board did not believe that to be the case. Mr. Auchter said he would check for the letter but if he is incorrect, he agreed to the landscape buffer.

The Board discussed the mud room asking about the size and height. Mr. Auchter said it will not be any higher than the existing overhang on the right side of the house. The Board said drawings showing the size, height and design should have been provided.

The Board believed that since there were outstanding questions, Mr. Auchter should carry his application to April 7, 2016 and provide the following information:

- Exact size of the pre-existing shed.
- Verify the distance from the propane tank to the house/generator.
- A copy of the permit for the deck.
- Architectural drawings for the mud room showing the size and height.
- Lot coverage calculations.

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. Chozick to carry this application to April 7 so that Mr. Auchter can provide the information requested. The motion was seconded by Ms. Segal. 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 said that the Forest Lakes Dam Commission presented the official report prepared by Scott Holzhauser, and said after informational and workshop meetings, followed by a public hearing and thorough review, the commission recommends that the Mayor and Council adopt the report with all of the special assessments shown in the spreadsheet. Ms. Raffay also said that the Council recently met with the architect hired to do a conceptual plan of the municipal building but a decision has not been made as to repair our current building or build a new complex.
- Environmental Commission – No meeting held.
- Architectural Review Committee – No meeting held.
- Open Space – No representative available at the meeting.
- Board of Health – Ms. Segal said the Board is continuing to review ordinances, saying that many need updating; specifically the septic ordinance.

PUBLIC COMMENT

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

BILLS

Schenck, Price, Smith & King, LLP (7 bills) \$1428.50

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

ADJOURNMENT

A motion to adjourn the meeting was made at 9:45 p.m. by Mr. Chozick and seconded by Mr. Walsh. All were in favor. Motion carried. The meeting was adjourned.

Respectfully submitted: *Cheryl White*