

MEETING MINUTES
BYRAM TOWNSHIP PLANNING BOARD MEETING
MARCH 3, 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	L	H	H	H	H
ABSENT										
EXCUSED				EA						
LATE										

Also present: Attorney Kurt Senesky
 Planner Paul Gleitz
 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

Ms. Segal arrived at 8:05p.m.

MINUTES

Approval of the February 18, 2016 Meeting Minutes

A motion was made by Mr. Kaufhold and seconded by Mr. Morytko 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.

RESOLUTIONS

EXTENSION OF MINOR SUBDIVISION APPROVAL – N.J.S.A. 40:55D-47

Lake Mohawk Pool & Spa, Block 293.02 Lot 8.03 and 9.01, Marine Terrace, R-5 Zone

The Board reviewed the request and a motion was made by Mr. Morytko to grant the extension. The motion was seconded by Mr. Kaufhold. 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

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.

Attorney for the applicant, Paul E. Griggs, Esq. of McConnell Lenard & Campbell, said that the applicant wishes to rebuild an existing boathouse which requires relief from a rear yard setback and a setback to a body of water. The applicant, Mr. Wustefeld was sworn in and said he received approval on his project from the Lake Mohawk Country Club and he provided a letter dated October 30, 2015 stating that LMCC grants approval for Mr. Wustefeld's renovation. He also presented a letter dated September 11, 2015 from CP Professional Services which states that the project conforms within the Marine Rules & Regulations that are outlined in their governing documents. Mr Wustefeld summarized that because the proposed boathouse will not be above the lake surface, and built entirely on his lot, the boathouse is not subject to the 16 foot height requirement by LMCC and jurisdiction would fall under Byram Township.

Mr. Wustefeld said his Crane style home was built in 1929 and the façade is a mix of log, stucco, cedar, stone and clapboard. He said his lot is 39,955 sq. ft., which is three times larger than most lots along Lake Mohawk. He said the home has two driveways and the lake frontage is approximately 200 ft. Mr. Wustefeld reviewed the photos and plan submitted.

Chairman Shivas referenced the letter from CP Professional Services which talks about a one story structure. Mr. Wustefeld reiterated that the boathouse will no longer cantilever over the lake, the bulkhead will be removed so since the structure will not extend into the water they are not subject to the LMCC height/story requirement. Chairman Shivas asked if the second story is for living space, Mr. Wustefeld said no, it will be used for storage only. Mr. Wustefeld added that the proposed boathouse will have a second story, with internal stairs, electric, but no water.

The Board reviewed the height of the proposed boathouse saying that the current boathouse is 14.6 feet and the proposed boathouse height will be 17.9 feet, however Mr. Stoner said that when

measured to the ridge line the total height will be 24.9 feet, which is within Byram’s height requirement.

Mr. Wustefeld said the boathouse will have a wavy cedar edged siding or clapboard siding to match the home, and he presented two colored renderings of the proposed structure, one being different from the other. The Board questioned Mr. Wustefeld as to which design he was using saying that he needs to present the one he is proposing to build. Mr. Wustefeld confirmed he will build the one presented in the packets to the Board. Chairman Shivas said a copy of the plans submitted to construction, must be the same as approved tonight.

The Board discussed the vegetative buffer requirement. Mr. Wustefeld said that initially CP Services said that a seepage pit to address increased storm water runoff must be installed but later said that a rain garden would be preferred, which Mr. Wustefeld agreed to. Mr. Gleitz said the vegetative buffer would be in addition to the rain garden, it is requirement by Byram’s ordinance. Mr. Gleitz said that there is a preferred species plant list that the Board Secretary will provide to Mr. Wustefeld and he must provide the landscape plan to Mr. Gleitz for review and approval. Mr. Gleitz said that the buffer requirement will be a condition of approval.

Mr. Griggs discussed the variances needed saying this project will not have any adverse effects on the lake or the neighborhood. He added there are other boathouses, similar in size on the lake and is a continuation of what exists today, but somewhat larger. Mr. Wustefeld provided Exhibit A1, dated 3/3/16 of a boathouse of similar size directly across that lake.

Mr. Stoner reviewed his report saying that at first he believed this project did not qualify for Permit-By-Rule, but in an email dated March 1, Mr. Stoner said that NJDEP is treating a boat house as an open dock. Being considered a dock the project falls under NJAC 7:13-7.2 (b)14 which allows for the “Constructing an open dock of no more than 1,000 square feet on an impounded water”. The project will therefore qualify for a permit-by-rule with a 14 day written notice being given by the owner. Mr. Stoner added that a copy of the coorespondance sent to the DEP must be provided to the Board Secretary. Chairman Shivas added that he would like to see a condition that a silt fence be required to protect the lake, the applicant agreed.

Chairman Shivas opened to the public.

Mark Musilli, General Manager, Lake Mohawk County Club said he appreciates the Board protecting Lake Mohawk. He added that he has no objections to Mr. Wustefeld’s request but would like to see a definite set of plans provided to the LMCC. The applicant agreed. Mr. Musilli added that all homeowners along Lake Mohawk are taking positive action with buffers and rain gardens to protect the lake and he asked the Board require the applicant put in a rain garden. Mr. Senesky said the Board can require a vegetative buffer but they cannot enforce the rain garden since it is not a requirement of Byram. As stated earlier, Mr. Wustefeld agreed to a rain garden. Mr. Musilli had no further questions.

Mr. Jim Wardell, 86 Birch Parkway said he lives next to the Wustefeld’s and said Mr. Wustefeld is a contractor and they share a driveway and often Mr. Wustefeld has equipment parked in the driveway making access difficult, if not impossible and he would like to see as a condition that the driveway remain clear at all times. Mr. Wardell also asked what the height of the boathouse will be; Mr. Stoner said 24.9 feet.

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

The Board discussed if the boathouse would be considered a second story. Mr. Riley said based on some quick math, it would not, it is a 1 ½ stories. The Board had no further questions.

A motion was made by Ms. Segal to approve the application with conditions mentioned. The motion was seconded by Mr. Kaufhold. 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 for the disturbance of steep slopes, and a front yard setback to construct an 18’ X 37’ X 29’ in-ground pool.

Ms. Shimamoto stepped down for this application.

Mr. & Mrs. Mirz and their contractor, Gabe Ricciardi Jr. were sworn in. Mr. Ricciardi said the applicants wish to install an 18’ X 37’ X 29’ in-ground vinyl pool which requires a front yard setback and relief from the disturbance of steep slopes. Mr. Ricciardi said that because of the topography of the lot this was the best location for the pool and that currently the slopes are terraced with no vegetation. He said they are proposing two retaining walls, one 4 feet and the other 5 feet with proposed landscaping. Mr. Ricciardi said the retaining walls will be constructed in accordance with the requirements for walls 4 feet and higher, which requires engineer certification. Mr. Ricciardi reviewed the flow of water which is directed in between properties to a storm drain. Mr. Ricciardi added that with the construction of the walls, the flow of water should improve. He reviewed the areas of disturbance which includes the walkway and walls. He said that the pool will have the required 4 foot fence. Ms. Mirz said they notified property owner’s within 200 feet and received no objections.

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

The Board had no further questions. A motion was made by Mr. Walsh to approve the application, 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.

REPORTS FROM COMMITTEES

- Township Council - Ms. Raffay talked about the Council discussion regarding the Fair Share Housing Plan.
- Environmental Commission – Ms. Shimamoto said the committee reviewed the Mirz swimming pool application and provided comment to the Board.
- Architectural Review Committee – There was no meeting held.
- Open Space – There was no meeting held.
- Board of Health – The meeting is next week.

BYRAM TOWNSHIP FAIR SHARE HOUSING PLAN UPDATE

Mr. Gleitz said that a few edits were made to the plan that was disseminated in Nov. 2015 adding that the plan is due to the Court on April 4. He said that at the March 17 meeting the Board will review the final draft, and a resolution endorsing the plan will be adopted. He added that on March 22 the Council will have a special meeting endorsing the plan and adopt a resolution, and then it will be submitted to the Court.

Mr. Gleitz said he will add a table of contents, maps, and a cover page. Mr. Gleitz spoke about the Kinsey Report and the EConsult report saying that Byram entered into a Municipal Shared Services Defense Agreement and retained EConsult for the housing needs for Byram.

Mr. Gleitz said the plan focused on Byram’s limited resources, and land. The plan talks about Byram’s history, zoning, demographics, environmental constraints, land use, the Highlands, and our economic development plan. He added that Byram is in a good position, we have the first Village Center designation, and Byram has always met all deadlines. He said that the Township proposes to address its prior obligation and its present and prospective need by providing a realistic opportunity for the development of low and moderate income housing in those areas designated for growth through the following:

- Rehabilitation Program
- Inclusionary zoning within the Village Center, including:
 - Senior For Sale
 - Senior Rentals
 - Family For Sale
 - Family Rentals and
 - Very Low Income Family Rentals
- Inclusionary Zoning within the Multi-Family Zone, including:
 - Family Rentals
- Inclusionary Zoning within the Village Business Zone, including:
 - Family Rentals
 - Assisted Living Units
- Low/Moderate Income Group Homes.

He said recent approvals, a zone change, and group homes have provided some credits for Byram. Chairman Shivas said Mr. Gleitz did a tremendous job, the Board agreed.

Township Manager, Joe Sabatini said the Board should not focus on the overall number and said that the document emphasizes Byram’s development constraints. Ms. Raffay said she realizes that the document emphasis Byram’s issues and hopes the person reviewing the plan realizes that. Mr. Gleitz reassured the Board that the Court will take their time reviewing all Municipal plans.

PUBLIC COMMENT

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

BILLS

Harold Pellow & Associates, Inc. (5 bills) \$2,674.00

A motion was made by Mr. Walsh the motion was seconded by Ms. Segal to approve Mr. Stoner’s bills. All were in favor. Motion carried.

ADJOURNMENT

A motion to adjourn the meeting was made at 10:30 p.m. by Mr. Walsh and seconded by Mr. Kaufhold. All were in favor. Motion carried. The meeting was adjourned.

Respectfully submitted: Cheryl White