

**MEETING MINUTES**  
**BYRAM TOWNSHIP PLANNING BOARD MEETING**  
**APRIL 16, 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
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

**MEETING MINUTES APRIL 2, 2015**

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	Mr. Valentine	Ms. Segal	Mr. Walsh	Mr. Gonzalez	Ms. Shimamoto	Chairman Shivas
Motion					√						
Seconded		√									
Aye	√	√		√	√		√		√	√	√
Nay											
Abstain											
Absent			√			√		√			

Motion carried

**COMPLETENESS**

SP4-2014, Cartridge Actuated Devices, Inc., 40 Old Indian Spring Rd., Block 362 Lot 4 and Block 226 Lot 8.01, R-1-Zone

Amended site plan to construct two new buildings, enlarge two existing buildings, install an electric fence, and add lighting and a gravel path.

The subcommittee met and reviewed the materials submitted and deemed the application complete. A motion was made by Ms. Shimamoto to schedule a public hearing for July 16, 2015. The motion was seconded by Ms. Segal. 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.

**RESOLUTION**

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

A 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.

Some changes were made to the drafted resolution specifically changing the, "issuance of permit" to the issuance to a certificate of occupancy" "so that the applicant can begin work however before the certificate of occupancy is issued, all of the conditions must be met. Other changes included that the Board engineer determine if the R.O.W. has been restored to his satisfaction vs. the Cranberry Lake Community Club. Mr. Stoner said that he will work with all three parties to come to a mutual agreement. Lastly, language was added that "at least one wall of the existing structure must remain or the applicant must return to the Board." This language will be added to all resolutions in connection with a second story addition, whereas the first story should remain intact.

A motion was made by Mr. Riley and seconded by Mr. Kaufhold to approve the resolution as amended. 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.

Z02-2015, John & Ginette Garrity, 13 North Shore Trail West, Block 182 Lot 43, R-5 Zone

Variance relief for rear and side yard setbacks and maximum lot disturbance to construct a second story addition with a covered porch and to add a detached two car garage,

Chairman Shivas told the Board that this resolution was also amended to include this language "at least one wall of the existing structure must remain or the applicant must return to the Board." The Board agreed with that change.

A motion was made by Mr. Morytko and seconded by Ms. Segal to approve the resolution as amended. 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**

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

SP2-2014, Lake Mohawk Pool & Spa, Marine Terr., Block 293.01 Lots 8.03 & 9 and Block 293.02 Lots 8.03 & 9.01, R-5 Zone

Amended site plan to pave a tennis court to create a parking area, a lot line adjustment to a residential lot, create a parking easement on a residential lot, to install a slide and to extend the summer season.

Mr. Gruenberg, attorney representing the applicant said that since this application involves a D variance and the entire Board was not present this evening the applicant wishes to carry the application to May 21, 2015.

A motion to carry the application to May 21, 2015 without further notice was made by Mr. Kaufhold, the motion was seconded by Mr. Morytko. 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.

Amendment to CVS Resolution, Condition #19 for SP1-10, First Hartford Realty Corp/ CVS Pharmacy, Block 34 Lots 14 & 15, 77 Rt. 206, VB-Zone Preliminary & Final Site plan, Waivers & Variance Relief for Pharmacy

Mr. Cohen, attorney representing First Hartford, LLC, (CVS) said that a recent decision was received from the Superior Court, Appellate Division affirming the Planning Board’s 2012 approval to construct a pharmacy. The applicant would like to move forward with the project but are awaiting the approval of two DOT permits; a Highway Management Access permit and a NJDOT storm drainage permit. It has proven that obtaining these DOT permits can be a slow process so the applicant is seeking to modify conditions so that construction can begin, and make the condition contingent upon the issuance of a Certificate of Occupancy. Mr. Cohen said they anticipate a response from the DOT within the next few months. Chairman Shivas said that if the permits are denied and a modification must occur then CVS must return to the Planning Board. Mr. Cohen agreed. Mr. Senesky said this condition is not significant that it would warrant the applicant to have a public hearing with noticing.

Mr. Stoner said he would draft a letter to the Zoning Officer and the Construction Department about this change. Mr. Senesky said a resolution will be drafted changing this amendment.

A motion was made Ms. Segal and seconded by Mr. Kaufhold approving the amendment to the condition of approval. 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.

**ANY OTHER BUSINESS THE BOARD DEEMS NECESSARY**

Setback requirements in R-1 and R-2 zone, accessory buildings in a front yard and, a setback to a body of water.

- The Board discussed the definition of a *front yard* and the part of the structure that faces the street is defined as the front yard.
- Mr. Gleitz reviewed the Residential Schedule of Space Requirements because the chart in the code book for the R1 and R2 zones include cluster development zoning, which may be confusing to residents. Since Byram mostly deals with single family residential development and not cluster developments, Mr. Gleitz revised the chart to include cluster development as a footnote.
- Maximum Lot Disturbance on the Residential Schedule of Space Requirements the Board agreed this section needed to be re-worded. Mr. Gleitz and Mr. Stoner will come up with some language for the Board to review.
- Setback to waterways in the Code book depicts 75'. Since each zone identifies a setback to a body of water, specific to that zone, this section should be revised or eliminated. Mr. Stoner and Mr. Gleitz will review it and make a recommendation.
- Mr. Stoner believes the Board should review the checklists and make some revisions. The Board secretary will distribute Byram’s checklist and some samples to discuss.

**REPORTS FROM COMMITTEES**

- Township Council - Ms. Raffay nothing to report.
- Environmental Commission – The next meeting is April 23, 2015
- Open Space Architectural Review Committee – Mr. Morytko said the notice for bids for Tamarack Park was sent out.

- Board of Health- Ms.Segal reminded the Board that the Rabies Clinic is this Saturday (4/18).

### **BILLS**

Harold Pellow & Associates, Inc. (2 bills) \$857.50

A motion was made by Mr. Kaufhold and seconded by Ms. Segal to approve Mr. Stoner's bills. All were in favor. Motion carried.

### **PUBLIC COMMENT**

Chairman Shivas opened to the public.

*Ed Grasso*, said that he is under contract to purchase the property at the corner of Brookwood Rd. and Route 206 North. He presented a concept layout plan of a retail store with gas pumps. Mr. Grasso said he has reviewed previous applications before the Board relative to proposed development on this site and believes that the Route 206 changes will improve traffic circulation on this site. Mr. Grasso said that gas station/retail is very popular and are being developed everywhere. Mr. Grasso understands this would be a use variance and was looking forward to comments from the Board.

Mr. Senesky said it looked as if his plan had too much parking. Mr Grasso said that is something they would look at and reduce if needed. Chairman Shivas said he believes the pumps in the rear would be more favorable as far as the appearance from the highway. Mr. Grasso said he is not married to the pumps in the front, he was considering the residents in the rear but that can be changed. Mr. Kaufhold asked if the connection between sites would remain. Mr. Grasso said yes, he believes it creates better circulation for all properties involved. Mr. Stoner said they need to think about buffers for the residents in the rear, parking requirements and stormwater runoff. Mr. Grasso believed that they may be able to tie into the basin on the corner but they will look at all of that. Chairman Shivas told him about the ordinance that gas stations cannot be within 1,000' feet of another gas station, Mr. Senesky reminded Mr. Grasso that the comments tonight are not binding and since this would be a use variance it could prove to be a tough one.

*Scott Olson, Glenside Trail* said that the Environmental Commission is releasing a pamphlet to the public about the importance of easements. He'll get a copy to the Planning Board for review.

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

### **ADJOURNMENT**

A motion to adjourn the meeting was made at 9:30 p.m.by Ms. Segal and seconded by Mr. Kaufhold. All were in favor. Motion carried. The meeting was adjourned.

Respectfully submitted: *Cheryl White*