

**MEETING MINUTES**  
**BYRAM TOWNSHIP PLANNING BOARD MEETING**  
**APRIL 2, 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	H	H	H
ABSENT											
EXCUSED											
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 MARCH 19, 2015**

A motion was made by Mr. Kaufhold 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	Mr. Valentine	Ms. Segal	Mr. Walsh	Mr. Gonzalez	Ms. Shimamoto	Chairman Shivas
Motion					√						
Seconded								√			
Aye				√	√		√	√	√	√	√
Nay											
Abstain	√	√	√			√					
Absent											

Motion carried

**RESOLUTION**

Z12-2014, Douglas Paul, 310 Stag Pond Road, Block 336 Lot 1.07, R-1 Zone

Variance relief to construct a second story addition with an attached garage.

A motion was made by Mr. Kaufhold and seconded by Mr. Walsh to approve the resolution as presented. 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**

SP1-2015, Jefferson Lakes Day Camp, 38 Jefferson Lakes Road, Block 366 Lot 3.01 & Block 370 Lot 7.01, C-R Zone

Amended site plan to remove four existing structures and replace with two structures for the same use.

Mr. Valentine said that the sub-committee reviewed the material submitted along with Mr. Stoner's report and recommended to the Board the application be deemed complete. A motion was made to set a hearing date of June 4, 2015; the motion was seconded by Mr. Walsh. 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.

**OLD BUSINESS**

Mr. Walsh stepped down for this application.

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. (Carried from March. 19)

Mr. Senesky advised Mr. and Mrs. Edwards, who were previously sworn in that all members of the Board that was not present on March 19, with the exception of Mr. Valentine, listened to the transcript of the meeting and are eligible to vote.

Mrs. Edwards said that they took Ms. Shimamoto's recommendation into consideration and they believe by adding dormers it appeared to make the house look larger. Mrs. Edwards said that storage is issue and the attic will offer storage space. They believe that the design they propose is more in character with homes in Frenche's Grove. Mrs. Edwards presented Exhibit A1, photos of homes on Meteor Trail and Exhibit A2; surrounding homes in Frenche's Grove, noting that all are of similar size and character of their proposed addition.

Mrs. Edwards said they reduced the deck on the right side from twelve feet to ten feet with a three foot wide step. Mrs. Edwards presented Exhibit A3, photos of decks on homes in their surrounding area showing the closeness to abutting property lines. She said that since most lots on Cranberry Lake are small, and many decks are only feet away from adjacent properties. She added that they would like to keep the

deck on the right side because the steps will allow for easy access to the furnace since the entrance is on that side. In addition she said that this deck would be used to store wood, which is used to heat their home and this deck would be the closest to the location of their wood stove.

Mr. Stoner said that he confirmed that the deck footings on the lake side will not encroach on the twenty-five foot DEP water body setback and recommended as a condition that the footings be inspected during construction. Mr. Stoner added that Mr. Edwards should provide revised deck drawings.

Mr. Edwards provided Exhibit A4, a photo dated April 2, 2015 of the access trail abutting his property showing the ramp and the cement steps, which Mr. Edwards said were not disturbed. The Board had no further comments.

Chairman Shivas opened to the public.

Mr. Peter Smith, 21 Meteor Trail said that he purchased his property three years ago and the Edward's property was uninhabited, overgrown, littered with garbage and a disgrace to the neighborhood. He said that after Mr. and Mrs. Edwards purchased the property there was a considerable change. He said they are always working in the yard, they installed a new septic and he feels that comparison to other approvals obtained in the neighborhood, this is a modest request. He believes the addition will be an improvement to the home and neighborhood and hopes the Edwards receives a favorable vote.

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

*The Board reviewed the variances requested and if approved the conditions imposed.*

- Front yard setback to Meteor Trail
- Front yard setback to the paper street
- Right side yard setback
- Lot disturbance
- 3 ½ stories
- Setback to a body of water

*Conditions*

- Deck will remain uncovered
- Silt fence must be installed during construction
- The height and water body setback must be confirmed during construction
- Installation of a vegetative buffer per Byram Township Ordinance
- Satisfaction letter from the DEP regarding the March 4 DEP warning letter.
- Satisfaction letter from the CLCC regarding the access trail abutting Mr. Edwards's property.
- Updated plans must be submitted.
- Meteor Tail must have safe passage at all time.

The Board had no further questions. A motion to approve the application with the conditions outlined in the resolution of approval was made by Mr. Riley, the motion was seconded by Mr. Chozick. 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**

**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,

Mr. Garrity introduced his architect, Mr. Fox who has provided testimony to the Board previously and the Board accepts Mr. Fox as an expert in his field. Mr Fox presented Exhibit A1, color version of Sheet C1 and Exhibit A2, photos of the applicant's home and said that Mr. Garrity purchased the lot in Dec. 2014 and wants to construct a 350' addition to the second story, add a wrap around covered porch and construct a detached garage. It was noted that a standard septic alteration occurred in 2012. Mr. Fox reviewed Mr. Garrity's plans noting that currently the house sits eleven feet from the lake and proposed is eleven feet, noting that no further encroachment will occur. He added that the existing wall which is approximately six feet from the water's edge is being removed.

Mr. Garrity said that he has met with the DEP to discuss what permits are required for the proposed construction, which is still under review. The Board discussed the proximity of the garage and the closeness to the side yard property line. Mr. Fox said the property to the rear is wooded and undeveloped. The Board discussed reducing the size of the garage. Mr. Garrity said that since the house sits on a cement slab having no basement, and no attic space the garage will be needed for storage. The Board discussed rotating the garage, which would move it further from the side property line. Mr. Garrity agreed to rotate the garage. Ms. Shimamoto talked about the height of the accessory structure and it was determined it does not exceed the height requirement, but does need a variance for an accessory structure in the front yard. It was noted that drainage will be captured with gutters to dry wells so that it will not drain to the lake. Ms. Shimamoto said that Mr. Garrity attended the Environmental Commission meeting and the Commission was pleased with Mr. Garrity's landscape plan, the proposed rain garden and dry wells.

Chairman Shivas asked if any vegetation was proposed. Mr. Garrity presented Exhibit A3 – Colored planting plan and Exhibit A4 Planting plan which will meet Byram Township's vegetative buffer requirement. The Board had no further comments.

Since some aspects of this application may require DEP permits and since Mr. Garrity would like to begin construction the Board said that Mr. Garrity can obtain construction permits for the second story addition however, Mr. Garrity must provide the Township with DEP approval before construction permits for the covered front porch or garage can be obtained. If DEP requires changes to the proposed garage or covered porch, Mr. Garrity must come back to the Planning Board.

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. Kaufhold to approve the variances requested with the following conditions; a silt fence be installed during construction, the garage be rotated so that it is further from the

side yard, the existing ramp on the right side be removed, drywell details be provided to the Board engineer and a vegetative buffer be installed. The motion was 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.

**ANY OTHER BUSINESS THE BOARD DEEMS NECESSARY**

Mr. Stoner said that in Condition number 19 of the CVS resolution it calls for DOT approval. CVS would like to obtain a construction permit but cannot because of this condition and the DOT’s response time. Mr. Senesky said that he will speak with Mr. Selvaggi to discuss what has to happen to amend that condition. Mr. Senesky added that a decision was reached regarding the CVS appeal and the decision was in favor of CVS.

**REPORTS FROM COMMITTEES**

- Township Council Ms. Raffay had nothing to report.
- Environmental Commission - Ms. Shimamoto said the Board discussed concerns with additions and septic systems and new construction vs. additions. Chairman Shivas said if an applicant makes any changes to what was proposed and approved by the Planning Board, the must come back to the Planning Board.
- Open Space will meet on April 13.
- Architectural Review Committee had no meeting.
- Board of Health – Ms. Segal said the Board is still reviewing ordinances. They are looking at the State code for what defines a bedroom and how that relates to septic systems and discussing new construction vs. additions.

**BILLS**

Harold Pellow & Associates, LLC (3 bills) \$2,670.01

A motion was made by Mr, Walsh and seconded by Mr. Chozick 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.

**ADJOURNMENT**

A motion to adjourn the meeting was made at 10:45 p.m.by Mr. Valentine and seconded by Mr. Kaufhold. All were in favor. Motion carried. The meeting was adjourned.

Respectfully submitted: *Cheryl White*