

MEETING MINUTES
BYRAM TOWNSHIP PLANNING BOARD MEETING
APRIL 21, 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	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

MINUTES

Approval of the April 7, 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

CBK Restaurants, LLC, 172 Lackawanna Drive, Block 265 Lot 287, N-C Zone

To provide temporary ancillary services and erect a tent in lawn area or deck for special occasions or private events.

The Site Plan Subcommittee met with the applicant, Brad Boyle who said his business is normally closed on Tuesdays, and on those days from April to October, from 6 p.m. to 9 p.m., he wishes to feature a self contained trailer with a pizza oven to be located on the lawn area. The trailer will not remain on site, no sales will occur outside; all sales will be transmitted by way of Bluetooth and handled in doors, and patrons can eat on the deck or lawn area.

The Committee asked the applicant to install permanent bumpers so that the trailer is secured, not to roll. The applicant agreed.

A motion was made by Ms. Segal, the motion was seconded by Mr. Gonzalez to approve the site plan 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.

RESOLUTION

Jared Auchter, 25 Lake Drive, Block 242 Lot 26.08, R-5 Zone. (Carried from March 17, 2016)

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.

There was no discussion, a motion was made by Mr. Riley and seconded by Mr. Morytko to approve the resolution as presented. 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

Brian Church, 4 Raccoon Trail, Block 317 Lot 20.01, R-5 Zone

Variance to intensify a pre-existing, non-conforming structure for an addition to a single family dwelling.

The applicant, Brain Church, and his Architect Ken Fox of Fox Architectural Design PC were sworn in. Mr. Fox has previously testified before the Board and the Board accepts him as an expert in his field.

Mr. Church said they purchased the three bedroom home in 1999 and said that with a growing family the size of the home has been a challenge, and during holiday events they have limited space. He added that house has plumbing issues, inadequate electric and is in need of repair so they decided to do an addition. Mr. Church proposes a partial addition over the original footprint. The second story will include three bedrooms, which includes a master bedroom that will have an attached office. The first floor will be reconfigured to incorporate a larger dining area, a recreation room, and a laundry room.

There was a difference of opinion as to whether a left yard setback was required. Mr. Stoner explained that it is needed because the applicant was intensifying the left yard setback, Mr. Senesky agreed.

Mr. Fox presented Exhibit A1, dated 4/21/16 which was a colorized version of sheet Z1, which depicts the new property lines after the minor subdivision and road vacations. Mr. Fox presented Exhibit A2, dated 4/21/16 which shows various photos of Mr. Church’s property. He noted that only half of the carport will be enlarged, the other side must remain open because it allows access to the septic tank on the property. Mr. Fox reviewed Exhibit A3, an As-Built Septic Design saying that the home is currently a three bedroom and will remain a three bedroom. The Board told Mr. Church that his application will be reviewed by the Sussex County Division of Heath before a permit is issued and that the Division of Heath may have concern with the office having a closet. Mr. Church said that the entry from the master bedroom to the office will not have a door and the master bedroom will not have a closet.

Mr Stoner discussed the building height and façade height saying that Mr. Church was below the requirements of the ordinance and that there should be a condition that the height must be verified during construction.

Mr. Fox talked about the need for this addition saying that the house only has a crawl space for utilities and the added space will help for storage. He spoke about the narrowness of the lots in the Cranberry Lake Community making it a hardship and difficulty meeting the requirements of the zone. He added that Mr. Church is proposing a modest addition which has no negative impact to Byram’s Master Plan.

Chairman Shivas said as a condition a silt fence must be installed during construction. The Board reiterated that Mr. Church’s current lake buffer meets the requirements of the ordinance.

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

A motion was made by Ms. Segal the motion was seconded by Mr. Chozick 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.

DISCUSSION ITEMS

Request to Vacate, Release and Extinguish any Public Rights as the Streets and Roadways Known as Portions of Coles Trail, Hickory Trail, Pheasant Way, Spring Trail, Waterloo Road and Wild Cherry Trail. Vacation of Wild Cherry Trail, Coles Trail, and Waterloo Road, not Including the County Road Know As “Waterloo Road” AKA Sussex County Route 604.

The Planning Board reviewed the ordinance to vacate various roadways in the Township of Byram. While the Board had no objections to the vacation, the consensus of the Board was that the private owners who own land that border the roadways to be vacated be properly notified of the vacation.

The Board believes that for a matter of record the Township should notify each property owner in writing that half of the vacated roadway would legally become part of the property they currently own. The concern of the Board was that if these property owners strongly did not wish to have half of the roadway becomes their property, what would happen to that the portion of the vacated road. This situation occurs along a portion of Wild Cherry Trail, Coles Trail and Waterloo Road.

The Board recommends that (except for the portions of the Wild Cherry Trail, Coles Trail and Waterloo Road mentioned above) the roadways referenced in the ordinance be vacated and found this request consistent with the ByramTownship Master Plan.

REPORTS FROM COMMITTEES

- Township Council - Ms. Raffay spoke about the road vacation mentioned above.
- Environmental Commission - Meeting next week
- Architectural Review Committee – Mr. Morytko said the committee met with the Quick Check applicants for a second meeting. The Quick Check representatives were receptive to the committee recommendations and that it was a good meeting.
- Open Space – Nothing to report.
- Board of Health - Ms. Segal said the rabies clinic was on April 9, and said that the turn out wasn’t as successful as in the past.

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 (5 bills) \$1,344.00

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

ADJOURNMENT

A motion to adjourn the meeting was made at 9:00 p.m. by Mr. Walsh and seconded by Mr. Kaufhold. All were in favor. Motion carried. The meeting was adjourned.

Respectfully submitted: Cheryl White