

**MEETING MINUTES**  
**BYRAM TOWNSHIP PLANNING BOARD MEETING**  
**MAY 18, 2017**

**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
ABSENT										
EXCUSED							EA			
LATE				L						

Also present: Attorney Kurt Senesky  
 Engineer Cory Stoner  
 Planner Paul Gleitz  
 Secretary Cheryl White  
 Township Manager Joseph Sabatini  
 Zoning Officer Thomas Dixon

**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 May 4, 2017 Meeting Minutes

A motion was made by Mr. Kaufhold, and seconded by Mr. Riley 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.

Ms. Raffay arrived at the meeting at 8:15 p.m.

**ORDINANCE REVIEW**

Review of zoning ordinance amendments review of Neighborhood Commercial Zone (NC), Village Business Zone (VB), and the Village Center Planned Development Mixed-Use Form Base Code Zone (VC).

Chairman Shivas turned the meeting over to the Township Planner Paul Gleitz. Paul said a few minor changes were made based on a review by the subcommittee and staff. Paul added that he did receive some comments from Kurt Senesky, and Cory Stoner and Paul believes the changes are minor.

Paul said Judy Thornton, our Highlands Council liaison reviewed the documents once, and Paul will be meeting with her on May 24 to finalize the plan.

He said items that need to be resolved are the applicability, such as definitions, and the statutory requirements necessary for development in the special use areas within the preservation zone. Paul said he's working with Judy to ensure that the applicability requirements only apply to the preservation area, which will include a water use management plan. Paul said all documents will be submitted to the Township by Friday, May 26 so the documents can be introduced at the June 6 Council meeting. Paul reviewed the changes he made based on comments from staff, the subcommittee and the Board's review on April 27, 2017.

Paul said Cory provided the street lighting section of the existing code and Paul will change some language and it will be called "Lighting", which will have requirement standards. Paul said we will not create a new 215-30.3 for lighting, as previously discussed, but instead we will update and replace 215.34 in its entirety and we will be inserting new sections 215-30.1 and 215-30.2 to address building massing, and loading and parking design.

Paul said after a discussion with staff they decided under Conditional uses that outdoor dining and sidewalk cafes be separated. Outdoor dining are things you can do on a patio, adjacent to a permitted restaurant, bar, or tavern, and sidewalk cafes are permitted on sidewalks only. They will apply to both zones, the VB and NC, and Paul added the definitions.

Below are comments from the review this evening.

- Under NC, F. *Accessory Use Standards* #1. - Chairman Shivas believe the language was too vague; giving property owner's too much leeway. Paul will look it over and possibly change the language.
- Conditional Use - Assisted *living facilities and nursing homes*. #2. Paul will remove "thirty" (30) and add sixty (60) residents to one-hundred and fifty (150) residents, and any combination of units, bedrooms or beds.
- Definitions - *Lot Coverage* - Paul will add balconies, and roof overhangs to lot coverage.
- Paul will add the lighting section.
- Paul will add best management practices into Smart Growth, Chapter 215.

Kurt had a question if tent sales required site plan approval. Paul said for tent sales or special events the property owner comes to the Board once for initial site plan approval with a specific area for tent sales, special events but is subject to special permits for each event.

Paul said the Board must decide whether to move Block 365 Lot 1.01, and Block 365 Lot 1.02 that are currently in the VC Zone to the VB Zone. Paul gave the positives and negatives and there was Board discussion and it was the consensus of the Board to leave these properties in the VC Zone.

Paul will meet with the Township Attorney, Tom Collins to review Affordable Housing requirements relating to apartments over retail in the Village core.

Paul gave a brief overview of the next steps to follow saying that in June the ordinances will be introduced, and adopted and will take effect in July. After Council introduction they will come back to the Board for a Master Plan consistency review.

Review of 240-16, Accessory buildings and structures in connection with agricultural activities -

Kurt provided a brief memo to the Board saying that local zoning may exempt some zoning requirement for activities in connection with agricultural uses. Mr. Joseph Sabatini, Township Manager explained to the Board that when the Accessory Structure Ordinance was amended, language that exempted accessory buildings or structures in connection with agricultural activities from certain requirements was omitted. There was Board discussion and it was the consensus of the Board to replace that language into the ordinance.

Review of 240-30, Article V, Nonconforming Buildings and Uses -

Kurt said language to define *nonconforming Building and Uses* can be convoluted. He believed the criteria the zoning officer presented had good language, the Board agreed. The zoning officer will email Paul the changes, and Paul will put them into ordinance form.

Joe said one more ordinance change will be removing the appointment of the zoning official from the Township Council to the Township Manager.

Chairman Shivas opened to the public.

Mike Finn, 22 Ghost Pony Road was present at the meeting and asked how long it will take for the changes in the ordinance to take effect. Joe explained the process. Mr. Finn thanked the Board for their due diligence.

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

**OLD BUSINESS**

Z02-2017, David A. Nufrio, Block 273 Lot 300, 138 Lackawanna Drive, R-5 Zone (carried from March 2, and April 20, 2017)

Request for the modification or relief from previous conditions of approval in 2007.

Mr. Kevin Kelly, attorney representing David Nufrio, owner and applicant, reminded the Board that Mr. Nufrio and his engineer, Michael O’Krepky were still under oath.

Mr. Kelly said a revised survey and site plan were submitted and Mr. O’Krepky reviewed those plans with the Board. Mr. Kelly said the skate ramp, shed and debris was removed from the property and those areas were restored with grass. He verified that the vegetative buffer was in place, and that the height was verified by Mr. Slaby during construction. Mr. Kelly presented several photo exhibits, dated 5/18/17

- A5, skate ramp area restored and seeded.
- A6, skate ramp area, different angle.
- A7, showing the lower area of the once disturbed area, now seeded.
- A8, showing the same area as Exhibit A5 & A6.
- A9, lower area of disturbance prior to planting.
- A10, gravel driveway prior to paving.
- A11, home under construction.
- A12, rip rap channel that directs water to the lake.
- A13, rip rap channel at the lower end of the property.
- A14, a photo of the rip rap channel.
- A15, shows the undisturbed trees, and contours on the lot.
- A16, shows the contours on the lot in 2009 when the home was under construction.
- A17, photo from 2009 showing contours on the lot.
- A18, upper area of lot, towards Lackawanna Drive.
- A19, photo of land contours
- A20, remnants of a dead tree that was removed
- A21, County drain of left side of property that was installed approx. 1970

Mr. O’Krepky reviewed the survey and the required variances. The Board and Cory agreed with the variances.

1. To exceed lot disturbance
2. Front yard setback
3. Set back from a body of water
4. Insufficient distance from an accessory structure to the principle structure.

Cory had a question about debris on the property covered by a tarp, it was Mr. Nufrio’s testimony that was a lawn mower, a tractor, but no debris from the skate ramp or shed, saying it has all been removed.

Other outstanding conditions of the 2007 approval was that a portion of the home was to be removed, however since Mr. Nufrio purchase the adjacent vacant lot, building coverage was no longer an issue but it still requires a variance for a front yard setback. The shed was removed, which was also a condition of the prior approval.

Mr. Kaufhold has concerns about water run-off since the drive way was paved, and a prior condition said the driveway was to remain gravel. Mr. Kelly said after heavy rains, erosion would occur on the driveway. He added that pulling out of the driveway when it was gravel was unsafe. Cory understood Ken’s concerns but believed that water run-off would not be an issue adding that the County installed the drains, not Mr. Nufrio and that much of the water comes from the roadway. Mr. Nufrio said they have added stone to the channel, and a J-hook at the end to slow the flow of water. Mr. Nufrio said he cleans and maintains the water rip rap channel frequently. Cory recommended as a condition of approval that Mr. Nufrio keep the channel clean and free of debris.

A motion to approve this application was made by Mr. Morytko, the motion was seconded by Mr. Chozick. 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**

Z03-2017, Fred and Karen Kuechenmeister, Block 8 Lot 631, 16 Union Street, R-5 Zone

Bulk variance for maximum lot disturbance, to exceed principle building coverage allowed, and a setback to a body of water to construct a 683 sq. ft. two bay garage and enlarge a paved driveway.

A motion was made by Mr. Chozick to approve the resolution as presented. 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.

Z05-2917, Robert A. Freeman, Jr., Block 348 Lot 2, 101 Amity Road, R-2 Zone

Use variance to permit a use not permitted in an accessory structure

A motion was made by Mr. Riley to approve the resolution as presented. 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.

Z06-2017, Gerard Finegan, Block 54 Lot 14, 26 Stony Brook Road, R-4 Zone

Bulk variance for a rear yard setback, a setback to a body of water, and a side yard setback to construct a deck, a rear yard addition, and a shed.

Mr. Senesky said that minor changes were made to the resolution saying that he changed septic system to read septic tank, and a minor change was made to the calculation of the family room addition to 7'10" x 14" which does not affect the rear yard setback of 29.6 ft.

A motion was made by Mr. Riley to approve the resolution with the changes. 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.

**REPORTS FROM COMMITTEES**

Township Council - Ms. Raffay said there may be discussion in the near future about the Sign Ordinance. She said banners went up promoting an even at the Waterloo Concert Field, which had to be removed because they were in violation. She said the Council is looking at alterations to the ordinance since our goal is to help business in Byram. She also mentioned that on May 6 at 1:00 p.m. the Friends of Waterloo will host an event in the mule barn at Waterloo Village. All are encourage to attend.

Environmental Commission - No meeting was held.

Open Space - Mr. Morytko reminded everyone about the opening of Tamarack Park which will be held on Saturday, May 13, 10:00 am to 1:30 p.m. Festivities will include a ribbon cutting ceremony at noon, guest speakers from the County, State, and the DEP, and food will be served. He said it will also kick off the second Township Hike series. Mr. Morytko said everyone is encouraged to park at C.O. Johnson Field where shuttles will be available to bring folks back and forth, or you can hike the trail from C.O. Field to the park, which is about 1.3 miles. He said you can register on line so the Township has an idea of how many people will be attending, and added that volunteers are needed. He said all of this information is available on the Byram Township Website.

Board of Health - No meeting was held.

Architectural Review Committee - No meeting was held.

**BILLS**

Schenck, Price, Smith & King, LLP (3 bills) \$1,177.50

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

Harold Pellow & Associates, Inc. (7 bills) \$714.60

A motion to approve Stoner bill was made by Ms. Segal and the motion was seconded by Mr. Riley. All were in favor. The motion was carried.

**OPEN TO THE PUBLIC**

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 10:15 p.m. by Mr. Riley, and seconded by Mr. Kaufhold. All were in favor. Motion carried. The meeting was adjourned.

Respectfully submitted: Cheryl White