

**MINUTES**  
**BYRAM TOWNSHIP PLANNING BOARD**  
**MEETING JULY 17, 2014**

**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 Planner Secretary Kurt Senesky Paul Gleitz Margaret McGarrity

**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 JUNE 5, 2014**

A motion was made by Ms. Segal and seconded by Mr. Riley to approve the minutes with two minor corrections. 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		X									
Second							X				
Aye	X	X			X		X	X	X	X	
Nay											
Abstain			X	X		X					X
Absent											

Motion carried.

**SITE PLAN WAIVERS**

WOSP5-2014, Anclar School of Irish Dance, 17 Rt. 206, Block 27 Lot 380.01, V-B Zone

New tenant and change of use – retail to service.

One storefront, with staggered hours for dance and martial arts classes.

A discussion was held about parking issues and whether this approval would place obstacles in the way of other potential leases in this strip mall, for want of adequate parking. The dance instructor has said that parents drop off their children and leave; she is to alert the parents to the parking limitations. Several Board members doubted that parents would not stay on site, shopping or sitting in their cars.

A motion was made by Mr. Valentine and seconded by Mr. Kaufhold to grant the site plan waiver. 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						X					
Second					X						
Aye	X	X	X		X	X	X	X	X	X	
Nay				X							X
Abstain											
Absent											

Motion carried.

WOSP6-2014, Lake Mohawk Pool & Spa, Marine Terrace, Block 293.02 Lots 8.03, 9.01 and Block 293.01 Lots 8.03 & 9

A waiver to permit an event outside of the approved business season.

The Spa’s typical business season is Memorial Day to Labor Day, but Labor Day this year is September 1; and Lake Mohawk Pool & Spa had already agreed to host an arts event on September 7 (rain date, September 14), similar to one they held last year.

A motion was made by Mr. Valentine and seconded by Ms. Segal to grant the waiver for this one-time event. 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						X					
Second							X				
Aye		X	X		X	X	X	X	X	X	X
Nay											
Abstain											
Absent											

Motion carried.

**RESOLUTIONS**

Z05-2014, Brian Lanci, 27 Meteor Trail, Block 163 Lot 31, R-5 Zone

Variance relief for lot area, front, side and rear yard setback, principle building coverage and setback to a body of water to add a second story and overhang to a single family dwelling.

A motion by made by Mr. Kaufhold and seconded by Mr. Riley to adopt the resolution, with minor changes from Planning Board Engineer Cory Stoner, stating that the new septic system is already in place and revising the building coverage calculation. 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					X						
Second	X										
Aye	X	X			X		X		X		
Nay											
Abstain											
Absent											

Motion carried.

WOSP5-2014, Anclar School of Irish Dance, 17 Rt. 206, Block 27 Lot 380.01, V-B Zone  
Change of use – retail to service.

Some Board members wanted a specific number of parking spaces listed in the resolution but Mr. Senesky advised against that, leaving the specifics to the requirements as stated in the ordinance. Exhibit A, the times of each dance and martial arts class and the number of students, is referenced in the resolution and must be attached.

Mr. Valentine and Ms. Segal agreed to amend their motion to add that any future potential leases must be reviewed by the Zoning Officer for parking needs and that a copy of the resolution is to be sent to the Heller Group, who own the building and approved the submission of the Anclar application. They may have to deal with future parking limitations.

A motion was made by Mr. Valentine and seconded by Mr. 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						X					
Second							X				
Aye	X	X			X	X	X		X		
Nay											
Abstain											
Absent											

Motion carried.

**EXTENSION OF SITE PLAN APPROVAL**

SP1-10- First Hartford Realty Corp./CVS Pharmacy-Blk. 34/Lots 14, 15 (Lot 15 is listed because some of the infrastructure and rock removal occurs on this site)

This matter is before the State Appellate Division.

A motion was made by Mr. Valentine and seconded by Mr. Chozick to approve a one year extension. 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						X					
Second			X								
Aye		X	X		X	X	X	X	X	X	X
Nay											
Abstain											
Absent											

Motion carried.

**PLANNING SESSION**

Final draft Highlands Master Plan Element

Planner Paul Gleitz presented the final draft of this addition to the Township’s Master Plan, part of the Highlands Conformance process. This will be followed by the adoption of ordinances to comply with this element and the Highlands Regional Master Plan; the Township Council will adopt the ordinances and ask the Planning Board to certify that they comply with the Township’s Master Plan.

To create this final draft Element, Mr. Gleitz added specific information about Byram to the Highlands Council’s standard Master Plan element. Some of those changes involve removing the Highlands general language about Center planning and inserting Byram’s Village Center ordinance, which has its own detailed rules.

Among the other sections of the Highlands Master Plan Element, Mr. Gleitz pointed out:

- Sections about redevelopment areas, which might pertain to the old Consolidated School site and a list of possible redevelopment sites submitted by the Economic Development Review Committee. This list could be revised in the future, following Highlands Council review.
- The Conservation Plan section, which will include Forest Management Plans and steep slope restrictions.
- The Land Use section, which includes information from the Township Master Plan and Open Space & Recreation Plan, as well as from the Highlands Council recommendations about open space.
- The Economic Development section, which will be expanded in the future based on a proposed market study of the Village Center and a Sustainable Economic Development Element, which the Planning Board would prepare with the advice of the Economic

Development Advisory Committee. Mr. Gleitz expects Highlands funding to be available for the market study.

- The Historic Preservation section, which the Township may or may not want to include, after considering possible historic districts and sites and the need for preservation of those, with a local Historic Preservation Review Committee having minimal or substantial power. For the moment, the Township will not include this section.
- A section on Transfer of Development Rights, which will be deleted, as Byram is not interested in receiving TDR credits. This will not preclude individual land owners from offering to sell TDR credits to the Highlands TDR bank.
- The Housing section, which Byram continues to work on, in spite of COAH issues being very unsettled statewide.
- Various other steps and other plans still to be adopted during the Conformance Process, including Lake Restoration Management Plans, the Forest Management Plan, habitat plans, water supply plans, and the update of the Zoning Map. The Highlands Council will provide funding for this work, for which the Township will hire consultants.
- Prohibitions against extending sewers into the Preservation Area. In response to questions from some Board members, Mr. Gleitz explained that this is a condition of Conformance. If the desire or need arises to consider sewerage areas other than the Village Center, Mr. Gleitz said there might be appeals regarding health and safety or based on new technologies or Redevelopment Areas. Judy Thornton at the Highlands Council could provide more details.

Mr. Gleitz and Board Secretary Cheryl White will schedule a September hearing on the adoption of the Highlands Master Plan Element.

### **REPORTS FROM COMMITTEES**

- Township Council: Nothing to report.
- Environmental Commission: Ms. Shimamoto reported that the EC and the Township Board of Health met jointly and that the EC will continue submitting comments about septic systems in its review of Planning Board applications.
- Open Space Committee: Mr. Morytko reported that the Tamarack Park plan is on schedule, with construction expected to start in September.
- Architectural Review Committee: No meetings held.
- Board of health: Ms. Segal reported that the EC and Board of Health will partner on improving Township recycling rates, including clarifying what can be recycled, and that the Board of Health is reviewing local ordinances pertinent to its work at its meeting next week. The EC and Board also agreed that the Sussex County Division of Health should include our local Board in its review of septic plans.

### **ANY OTHER BUSINESS THE BOARD DEEMS NECESSARY**

- There was a discussion about a maintenance plan for Township trails. Mr. Gleitz noted that regular inspections and the documentation thereof would provide some immunity against liabilities for the Township. Mr. Kaufhold noted that the Forest West Homeowners Association hired someone to maintain their trails once every three years.
- Mr. Shivas has been receiving complaints from residents about the state of Tomahawk Park. Councilman Scott Olson, in the audience, said this issue is being addressed, with PSE&G obligated to restore the park after using it as a staging area.

### **BILLS**

Harold E. Pellow & Associates Inc. \$380.33 (2 bills)

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

Schenk, Price, Smith & King, LLP \$712.50 (3 bills)

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

### **PUBLIC COMMENT**

Chairman Shivas opened to the public.

Councilman Olson clarified again with Mr. Gleitz that residents can still pursue the sale of their development rights to the Highlands bank, even though Byram will have no TDR element in its Highlands Master Plan Element. Mr. Olson also noted that a Byram economic development study will be initiated by the Highlands Council once the Highlands Master Plan Element is adopted. The Highlands Council is also funding a pilot project in Byram to map municipal stormwater systems.

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

### **ADJOURNMENT**

A motion to adjourn the meeting was made at 10:00 p.m. by Mr. Valentine and seconded by Mr. Kaufhold. All were in favor. Motion carried. The meeting was adjourned.

Respectfully submitted: *Cheryl White*