

**MEETING MINUTES**  
**BYRAM TOWNSHIP PLANNING BOARD MEETING**  
**JULY 7, 2016**

**CALL TO ORDER**

Chairman Shivas called the meeting to order at 8:02 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	EA								
LATE										

Also present: Attorney Kurt Senesky  
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 June 16, 2016 Meeting Minutes

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

Motion carried.

**NEW BUSINESS**

Z05-2016, Theodore and Patricia Duffy, Block 157 Lot 277, 4 Cabin Spring Trail, R-5 Zone

Variance for sides, rear and front yard setbacks for an addition to a single family dwelling, and a garage in the front yard, and two sheds.

Mr. Lawrence Calli, Esq. from Porzio, Bromberg & Newman, P.C. said Mr. and Mrs. Duffy's main residence was in Staten Island but they have been a part of the Cranberry Lake Community for many years, and about seven years ago when Mr Duffy's disability worsened they became permanent residents of Byram.

Mr. Calli said the Duffy's are seeking a modest 700' addition on a lot that is a pre-existing, and non-conforming. Mr. Calli talked about the pre-existing shed on the left side of the property and a garage in the front yard saying that they were erected by the previous owners and is not on record with the Township so the Duffy's are seeking relief for the structures since they do not meet the required setbacks in the zone. Mr. Calli did mention that the shed in the rear of the property is being removed. The Board discussed the use of the garage, the shed's orientation, and close proximity of the shed to Block 157 Lot 272. Mr. Calli introduced Mrs. Duffy, and she was sworn in. Mrs. Duffy's said that the garage is used for storage, since the home is small and has no basement, and the shed is used to store lawn equipment. Mrs. Duffy added that the neighbors have never complained about the shed, and it is not visible from the street. Mr. Calli said that since these structures have been there for a long time, without neighbor's objection Mrs. Duffy should be able to continue to use these structures. Mr. Calli asked Mrs. Duffy the reason for the addition and Mrs. Duffy said because of the size of the home and her husband's disability, which requires him to be in a wheelchair, the current home has accessibility limitations. Mrs. Duffy said they looked for larger homes in the area but were not successful so they decided to enlarge this home.

Mr. Calli introduced Mr. Fox who has previously testified before the Board. Mr. Fox was sworn in. Mr. Fox presented Exhibit A1, 7/7/16, which depicted:

- A reduced colored version of the site plan
- R.O.W. limits and the roads edge
- The existing floor plan
- Ariel Photos of the property

Mr. Fox added the Duffy's use propane fuel for heating and cooking, and the propane tank is located in the rear of the home along with the septic system and that is why they could not use the rear of the property for the addition. Mr. Fox presented Exhibit A2 – Photos of the site, and reviewed the driveway access and house location saying that there is no road frontage. Mr. Fox presented Exhibit A3, a large photo of the home and he reviewed the proposed construction saying that the Duffy's wish to enlarge the master bedroom, add a bathroom and laundry room on the right side of the home, and on the left side would include a family room, dining room, and a 10'X12' deck. The front porch to the right would become part of the addition, a small portion of the covered porch would remain and on the left side a 15' handicap ramp is proposed. The Board discussed the required variances.

The environmental commission recommended that the remaining portion of the driveway, which is impervious be restored to lawn, the applicant agreed and Mr. Fox added that 2' of impervious coverage will be removed from the front, and all impervious coverage from the right side will be removed.

The Board discussed the uniqueness of the property and Mr. Senesky suggested that the resolution state, for future purposes, that Wo-Po-Ga Trail is the front yard. The Board agreed.

Lastly Mr. Fox said that this request is a modest addition, other homes in the vicinity are larger and this will not impact pedestrian or street traffic. Mrs. Duffy added that the addition would improve Mr. Duffy's quality of life and allow him more independence.

A motion was made by Ms. Segal to approve the application with the conditions that the impervious coverage on the right side be restored to pervious coverage, and the removal of the shed in the rear. The motion was seconded by Mr. Chozick with the changes. 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.

**OLD BUSINESS**

SP2-2015, School Village Apartments, Block 226 Lot 21, 55 Lackawanna Drive, MF Zone

A request for relief from conditions of the Resolution of approval.

Mr. Simeone, owner of 55 Lackawanna Drive said that the institution financing this venture will not continue to fund Mr. Someone’s project until construction permits are issued. He said currently with the way the resolution reads, (specifically page 9, Condition 3, *No construction permits shall be issued until such time as Applicant provides a certification that all permits/approvals of other approving entities have been obtained*) prohibits a construction permit from being issued. Mr. Simeone said he would like it modified to read No Certificate of Occupancy vs. No Construction Permit. He gave the Board a summary of his progress, saying that the waiver for a three bedroom unit, a COAH requirement, is not longer needed, that they were able to provide a three bedroom unit. Chairman Shivas added that a bond must be submitted before any permits can be issued. Mr. Simeone agreed and said his engineer is currently working on that with Mr. Stoner. Ms. Segal said in the amended resolution it should be noted that the waiver for the three bedroom COAH unit is no longer necessary.

Chairman Shivas opened to the public.

Ms. Betty Harris, 52 Lackawanna Drive wanted to know what the change impacted. Chairman Shivas said the approval didn’t change, only the timing on the process. Ms. Harris expressed concerns about her well; she is concerned that when Mr. Simeone drills for his well, it will affect her well. Chairman Shivas asked Mr. Simeone if he would object to pressure testing and well monitoring for 52 Lackawanna Drive during the drilling of his well. Mr. Simeone said he would not object.

No other public came forward. Chairman Shivas closed to the public.

A motion was made by Mr. Walsh to amend the resolution as discussed. 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.

**REPORTS FROM COMMITTEES**

- Township Council – Ms. Raffay said at the last Council meeting a Bond Ordinance was introduced for the proposed new municipal complex. She said the plans, photos and other information is available for viewing on the Byram Township Website.
- Environmental Commission – Ms. Shimamoto said they discussed the Duffy application, and provided comment. She added the commission is currently working on a new recycling postcard to re-educate residents on what is and is not recyclable. She said the commission was surprised to learn that many items they were believed to be recyclable, are not. Ms. Shimamoto added that soon they will be initiating a “Go Green” Campaign.
- Architectural Review Committee – meeting is next week
- Open Space – No representative present at tonight’s meeting.
- Board of Health – Meeting is July 26.

**ANY OTHER BUSINESS THE BOARD DEEMS NECESSARY**

No Board business to discuss.

**PUBLIC COMMENT**

Chairman Shivas opened to the public.

Angelo Inglima, owner of Discount Tire said his business is located in a Village Business zone and wishes to relocate to a Neighborhood Commercial zone and asked the Board for their input. He also said that he proposes to use part of the store for tire retail and tire mounting, and rent a portion to the current owner for carpet sales. He said he’s been in business for 4.5 years and would like to continue to remain in Byram. Some Board members felt that proposed location would fit his needs better. Chairman Shivas said the Town Council is currently looking at some changes to that zone which may permit the use he proposes however that could take months, maybe years. The second option would be to file a Use Variance.

Chairman Shivas also mentioned that the auto detailing sign in front of this building is not allowed. Mr. Inglima agreed to remove the sign.

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

**BILLS**

Schenck, Price, Smith & King, LLC (2 bills) \$1,284.00

A motion was made by Mr. Walsh, the motion was seconded by Ms. Segal. All were in favor. Motion carried.

Harold Pellow & Associates, Inc. (5 bills) \$2018.75

A motion was made by Mr. Walsh and the motion was seconded by Ms. Segal. All were in favor. Motion carried.

**ADJOURNMENT**

A motion to adjourn the meeting was made at 9:45 p.m. by Mr. Walsh, and seconded by Mr. Kaufhold All were in favor. Motion carried. The meeting was adjourned.

Respectfully submitted: Cheryl White