

**MINUTES**  
**BYRAM TOWNSHIP PLANNING BOARD**  
**September 1, 2011**

**CALL TO ORDER**

Chairman Shivas called the meeting to order at 8:32p.m.

**ROLL CALL**

	<i>Mr. McElroy</i>	<i>Mr. Chozick</i>	<i>Mayor Oscovitch</i>	<i>Ms. Raffay</i>	<i>Mr. Kaufhold</i>	<i>Mr. Valentine</i>	<i>Ms. Segal</i>	<i>Mr. Walsh</i>	<i>Mr. Gonzalez</i>	<i>Ms. Shimamoto</i>	<i>Chairman Shivas</i>
Roll Call	H	H	A	H	H	A	H	A	A	H	H

Attorney	Kurt Senesky
Engineer	Lou Slaby
Planner	Ryan Conklin - Heyer, Gruel & Associates.
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 Meeting Act.

**FLAG SALUTE** led by Chairman Shivas.

**MINUTES:**

**August 18<sup>th</sup>, 2011**

A motion was made by Mr. Kaufhold and seconded by Mr. McElroy to approve the minutes as presented. The following vote was taken:

<i>Planning Board Member</i>	<i>Mr. Chozick</i>	<i>Mr. Kaufhold</i>	<i>Mr. McElroy</i>	<i>Ms. Raffay</i>	<i>Ms. Segal</i>	<i>Mr. Valentine</i>	<i>Mr. Walsh</i>	<i>Mayor Oscovitch</i>	<i>Mr. Gonzalez</i>	<i>Ms. Shimamoto</i>	<i>Mr. Shivas</i>
Motion		X									
Second			X								
Aye	X	X	X						X	X	
Nay											
Abstain				X	X						
Absent						X	X	X	X		

Motion carried.

*Note:* Township Attorney Kurt Senesky noted that during the August 18<sup>th</sup> meeting the building lost power and the Board could not proceed. The following application and resolutions were rescheduled to for tonight.

**SITE PLAN WAIVER**

**Panther Lake Camping Resort, Block 360 Lot 31, 6 Panther Lake Rd.**

Site Plan Waiver to install Mega Tower Recreational Equipment in existing playground.

Mr. McElroy explained that Panther Lake Camping Resort was adding playground equipment (a Mega Tower) to the existing playground. The playground must be surrounded by a split rail fence and the area should be covered by natural wood or rubberized mulch and should be contained by a border. This addition requires no change to parking and does not affect any drainage.

A motion was made by Mr. McElroy and seconded by Mr. Kaufhold to grant the Site Plan Wavier. The following vote was taken.

Planning Board Member	Mr. Chozick	Mr. Kaufhold	Mr. McElroy	Ms. Raffay	Ms. Segal	Mr. Valentine	Mr. Walsh	Mayor Oscovitch	Mr. Gonzalez	Ms. Shimamoto	Mr. Shivas
Motion			X								
Second		X									
Aye	X	X	X	X	X				X	X	
Nay											
Abstain											
Absent						X	X	X	X		

Motion carried.

**RESOLUTIONS**

Z05-2011 Jennings, Mary Block 213 Lot 1 D Variance

Expansion of a pre-existing, non-conforming structure

A motion was made by Mr. McElroy and seconded by Mr. Chozick to approve the resolution as presented. The following vote was taken:

Planning Board Member	Mr. Chozick	Mr. Kaufhold	Mr. McElroy	Ms. Raffay	Ms. Segal	Mr. Valentine	Mr. Walsh	Mayor Oscovitch	Mr. Gonzalez	Ms. Shimamoto	Mr. Shivas
Motion			X								
Second	X										
Aye	X		X		X				X	X	
Nay											
Abstain											
Absent						X	X		X		

Motion carried.

**SITE PLAN WAIVER RESOLUTION**

Panther Lake Camping Resort Block 360 Lot 31 6 Panther Lake Rd.

Site Plan Waiver to install Mega Tower Recreational Equipment in existing playground.

A motion was made by Mr. McElroy and seconded by Mr. Chozick to approve the resolution with conditions as presented. The following vote was taken:

Planning Board Member	Mr. Chozick	Mr. Kaufhold	Mr. McElroy	Ms. Raffay	Ms. Segal	Mr. Valentine	Mr. Walsh	Mayor Oscovitch	Mr. Gonzalez	Ms. Shimamoto	Mr. Shivas
Motion			X								
Second	X										
Aye	X	X	X	X	X				X	X	
Nay											
Abstain											
Absent											

Motion carried.

**NEW BUSINESS**

Z06-11 Eller, K. & Lippencott A., Block 335 Lot 3.01, 18 Andover Mohawk Road

C Variance to construct two car garage addition with game room and bathroom above and to convert existing garage into work room.

The applicants, Mr. Eller and Ms. Lippencott, were sworn in and provided a brief description of their intent to convert the existing garage to a work room and add a new two- car garage with a game room and bathroom above. The space will **not** be used as a bedroom and the space above the existing garage, will remain a Great Room. The property has a septic and leach field in the front of the property and water is provided by a well in the rear of the property. The applicant's house is ninety-five feet from the neighbor's house to the left and sixty-five feet from the neighbor's property line. The gable area in the proposed addition will be used for storage only and will remain unfinished. The applicant will be extending the deck, which is located in the rear of the house. The Board noted that the deck addition was included on the plans but not in the description portion of the application. A minor correction was made

to the front yard setback on the applicants zoning table. The applicant noted there will be no change to the driveway.

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

A motion was made by Mr. Kaufhold and seconded by Ms. Segal to approve the application. The following vote was taken:

Planning Board Member	Mr. Chozick	Mr. Kaufhold	Mr. McElroy	Ms. Raffay	Ms. Segal	Mr. Valentine	Mr. Walsh	Mayor Oscovitch	Mr. Gonzalez	Ms. Shimamoto	Mr. Shivas
Motion		X									
Second					X						
Aye	X	X	X	X	X					X	X
Nay											
Abstain											
Absent						X	X	X	X		

Motion carried.

At 9:50 p.m. Ms. Raffay had to step down for the CVS Application but provided the Board with a report from the Township Council. Ms. Raffay noted that;

- Byram Day will be on September 10, 2011.
- The County passed the Waste Water Management Resolution.
- On November 11, 2011 at the VFW Memorial the Mayor will commemorate the 20-year anniversary for the Veterans Memorial Monument.

### OLD BUSINESS

#### SP1-10 First Hartford Realty Corp/ CVS Pharmacy/Barone's B 34 Lot/s 14 & 15 77 Rt. 206 VB-Zone

The attorney for CVS, Mr. Selvaggi, introduced the architect for Barone's, Mr. Michael Byrne, who was previously sworn in. Mr. Selvaggi noted that tonight's focus would be on the architectural designs of Barone's two buildings and that the plan revisions for the site and CVS would be provided by next week. He also noted that the location of the two buildings will shift but the design will remain the same.

Mr. Byrne discussed his meeting with the ARC and noted that he and Mr. Caruso incorporated comments from the ARC into the design. Mr. Byrne indicated that Building 2 changed minimally but Building 3 changed significantly.

*Building 2* will have a change of coloration to earth tones. The building consists of three stories comprised of retail, restaurant and apartments. There will be grade access from the lower level and second level and elevator access from the third level. Mr. Byrne noted that CVS will be using some of the same materials to maintain continuity on the site. Building 2 will have a clock tower with the same stone to be used on the CVS building, along with hardy plank siding and awnings. Building 2 will house seven, two-bedroom rental apartments varying in size, and for emergency use there will be stairs to the roof for tenants in the apartments. The roof design will shield mechanicals from all views of the site.

Exhibit A10 was introduced, depicting the restaurant design, which will have dormers for aesthetics, a sidewalk with ramps, outside dining for 40 people and inside dining for 80 people.

There was some discussion amongst the Board regarding the signage. The Board discussed signage and recommended that the proposed monument sign be eliminated because of the size of lettering. Byram Township Planner Ryan Conklin asked for sign details and compliancy and noted that each tenant must submit sign plans for zoning approval.

Building 3 was redesigned to reduce the retaining wall height, the internal stairs and elevator were eliminated along with one apartment and one retail store. Since the building size was reduced, it allows them to maintain a 20 foot buffer on the north side of the site. Building 3 will have five retail spaces instead of six and seven apartments instead of eight. (six, two-bedroom apartments and one, one-bedroom apartment). It will have a peaked roof to house mechanicals. Building 2 & 3 will provide four COAH units.

Mr. Byrne looked at a shared parking concept and reviewed requirements using this concept. The reference material, "Parking Matters: Designing, operating and finance structured parking in Smart Growth Communities," will be provided to Board members at a later date for their review. Planning Board Engineer Lou Slaby stated that numbers for apartment parking outlined in the RSIS (Residential Site Improvement Standards) must be used.

Mr. Slaby asked Mr. Byrne about fire suppression, and Mr. Byrne indicated there will be no chemical system, only water. All fire lanes were reviewed by the Byram Township Fire Chief. The Board discussed the storage tanks and hydrants and wells on the site. There were no further questions from the Board. Chairman Shivas opened to the public.

*Earl Riley, 5 Louis Drive* was concerned about the retaining wall height. Mr. Byrne reiterated that the height has changed and new plans will be available at the September 15<sup>th</sup> meeting. No one else from the public came forward. Chairman Shivas closed to the public.

Mr. Selvaggi said at the September 15<sup>th</sup> meeting they will be prepared to discuss the site re-design, phasing and that their Planner will provide testimony.

A motion was made by Mr. Kaufhold and seconded by Mr. McElroy to carry to September 15<sup>th</sup>, 2011.

**REPORTS FROM COMMITTEES**

*Township Council* – Noted earlier

*ARC* – Noted an upcoming meeting with McDonald’s regarding a proposed changes to the building façade for which McDonald’s is seeking a Site Plan Waiver.

*Environmental Commission* – Nothing to report.

*Open Space* – Ms. Segal noted that Township Manager Joe Sabatini has a meeting scheduled with the Highlands Council regarding parking at Jones Lane. The Township is seeking an exemption on impervious coverage.

**OTHER BUSINESS:**

*Sustainability Element* to be discussed on October 6<sup>th</sup>.

**OTHER BUSINESS**

Zoning Officer’s report for July 2011 – The Board had no questions regarding the report.

**BILLS:**

Schenck, Price, Smith & King LLP \$607.50 (1 Bill)

A motion was made by Mr. McElroy and seconded by Ms. Segal to approve Mr. Seneskys’ bills. All were in favor. Motion carried.

**ADJOURNMENT:**

At 10:15 p.m. Mr. Kaufhold made a motion to adjourn; it was seconded by Ms. Segal. All were in favor and Chairman Shivas adjourned the meeting.

Respectfully submitted:

Cheryl E. White