

MEETING MINUTES
BYRAM TOWNSHIP PLANNING BOARD MEETING
JANUARY 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
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 January 7, 2016 Meeting Minutes

A motion was made by Mr. Kaufhold and seconded by Mr. Morytko 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

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

Lot line adjustment and variance relief for pre-existing carport, two sheds and two decks.

Applicant Brian Church was sworn in and presented Exhibit A1, dated 1/21/2016, an enlarged copy of the property survey. Mr. Church reviewed the exhibit saying that when they purchased the home in 1999 it was not known that the carport extended onto the neighboring property on Block 317 Lot 1.03, as well as a small portion of Raccoon Trail. It wasn't until recently, when they decided to make some improvements to the home that this was revealed. In order to correct this Mr. Church was advised to petition the Council to vacate that portion of Raccoon Trail and Mr. Church and the neighbors of Block 317 Lot 1.03 agreed to a lot line adjustment so that the carport sat entirely on Mr. Church's property. After further research it was also discovered that one of Mr. Church's decks and two sheds were located on a portion of Cove Rd., so Mr. Church included in his request to the Council to vacate Cove Rd as well. It is noted that a portion of Cove Rd. was vacated in 1990 to the property owner's of Block 317 Lot 22 but for reasons unknown the remainder of Cove Rd. was never vacated. On November 2, 2015 an Ordinance was adopted by the Council vacating a small portion of Raccoon Trail and Cove Road to Mr. Church.

Mr. Church met with Chairman Shivas for guidance prior to the public hearing and they reviewed Mr. Church's survey to determine what would be considered the "front yard", and for future reference the location of the front yard will be stated in the resolution. During the meeting it was determined that the decks and sheds on his property did not meet required setbacks so while Mr. Church is going before the Board for a lot line adjustment it was recommended to seek relief for the sheds and decks on his property.

The Board discussed the property, the location of the sheds and decks on his property and the limit of accessory buildings permitted. The Board determined that since the decks and sheds are pre-existing, and do not exceed the limit of accessory buildings allowed Mr. Church's request is reasonable. It was noted that a minor correction was made to the zoning table portion of the application based on Zoning Chapter 204-16 (C), the distance between the shed and the principle building should be at least ten feet.

The Board discussed the lake buffer requirements and since this property has a natural buffer, and based on the submitted survey the Board believes the buffer meets the 80% requirement, which will be stated in the resolution.

The Board had no further questions. Chairman Shivas opened to the public. No one from the public came forward. Chairman Shivas closed to the public.

A motion was made by Mr. Riley, the motion was seconded by Mr. Morytko. 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.

OTHER BUSINESS

Rita Mollinary, 46 Lackawanna Drive, Block 365 Lot 11, R-3 Zone

APPEAL - Zoning Officer’s decision regarding Home Occupation, Ordinance 240-21.1A (5)

On December 14, 2016 Ms. Mollinary received a Notice of Violation under Byram Township Code §240-21.1A(5) Home Occupation citing that in an R-3 Residential Zone is for single-family residential use and the business being operated out of the home does not meet the standards as defined for Home Occupation. Ms. Mollinary filed an appeal of the Zoning Officers’ decision, and her appeal was heard on January 21, 2016.

The Board discussed the performance standards outlined in the ordinance and Ms. Mollinary said her business operation did not require extra lighting, additional parking or excessive paving and that traffic is not impacted. She added that her operation does not cause noise, odor, dust, or other nuisances detectable at the property line. She said she did have a sign on her property, which has since been removed.

It was the determination of the Board that based on the performance standards defined in Home Occupation, Ms. Mollinary met those standards. Chairman Shivas did tell Ms. Mollinary that requirements for operating a kennel, or the boarding of dogs is under the jurisdiction of the County Division of Environmental Services.

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

Mr. Walsh made a motion that the business is considered a home occupation as described and presented by Ms. Mollinary. 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.

REPORTS FROM COMMITTEES

- Township Council – Ms. Raffay said the Council introduced the amended zoning ordinance and added that the Council is now working on the budget.
- Environmental Commission - Ms. Shimamoto said the meeting is next week.
- Architectural Review Committee - Mr. Morytko said the committee met with the Quick Check professionals to discuss future development on the corner of Brookwood Rd. and Route 206 North. He said they discussed the design standards of the Village Business Zone, and made suggestions about the façade, windows, and roof design. Mr. Morytko said that lighting was not presented, and signage and landscaping was not discussed adding that they are in the conceptual stage. Mr. Morytko added that there is a vacancy on the ARC if anyone is interested.
- Open Space - No Meeting held.
- Board of Health – No representative present.

Ms. Shimamoto wanted the Board to know that the ARC believes the colors presented to them by the owner’s of the Byram Car Wash are not the colors used on the building and asked Chairman Shivas how this should be handled. She also mentioned that lighting on top of the vacuums has not been addressed. Chairman Shivas said if they are in violation, it should be brought to the attention of the zoning official.

BYRAM TOWNSHIP FAIR SHARE HOUSING PLAN UPDATE

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) \$1,450.00

A motion was made by Mr. Walsh the motion was seconded by Mr. Chozick to approve Mr. Senesky’s bills. 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. Chozick. All were in favor. Motion carried. The meeting was adjourned.

Respectfully submitted: *Cheryl White*