

**MINUTES - 8:00 P.M.
MARCH 17, 2011
THE BYRAM TOWNSHIP PLANNING BOARD**

CALL TO ORDER

Chairman Shivas called the meeting to order at 8:00 p.m.

ROLL CALL

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

Board Secretary Cheryl White
Township Attorney Kurt Senesky
Township Planner Paul Gleitz

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: March 3, 2011

A motion was made by Mr. Kaufhold and seconded by Ms. Segal to approve the minutes. 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

SITE PLAN WAIVER

EBPOA (East Brookwood Property Owners Association) Bl 40 L 19 5 Brookwood Road Construct a pump house over existing pump station.

A motion was made by Mr. Valentine and seconded by Ms. Segal to grant the waiver. The pump house will provide security to the well pumping station and will not disturb any other part of the property or change the property use. 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

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

RESOLUTIONS

SP3-2010 - Lakeland Bank – 80 Route 206 Block 226 Lot 15.01 – Amended site plan w/variance - change of parking area, exit/entrance and pylon sign.

A motion was made by Ms. Segal and seconded by Mr. Chozick to approve the resolution. 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	X	X
Nay											
Abstain											
Absent			X	X			X	X			

Motion Carried

EXTENSION

SP6-09 & SP7-09 CBS OUTDOOR, INC. Bl 365 L 5 & Bl 35 L38.01 – Route 206

1 Year extension for site plan waiver for relocation of two billboards on Route 206 –

A motion was made by Mr. Chozick and seconded by Ms. Segal to grant a 1 year extension. 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	X	X
Nay											
Abstain											
Absent			X	X			X	X			

Motion Carried

OLD BUSINESS

Adoption of Open Space and Recreation Plan

A motion was made by Mr. Valentine and Seconded by Mr. Chozick to adopt the Open Space and Recreation Plan. 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	X	X
Nay											
Abstain											
Absent			X	X			X	X			

Motion Carried

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

OTHER BUSINESS

Adoption of the Highlands ERI

Township Planner Paul Gleitz explained to the Board that the Environment Resource Inventory (ERI) is part of the Plan Conformance Process and that this draft has been before the Board previously and is virtually unchanged from the draft that was completed Jan. 2010. The ERI is part of Module 4 and is a snapshot of the most current environmental data in Byram which is generated by the GIS system that Highlands has used on their projects to date. Mr. Gleitz added

that the ERI is the same as other ERI's that other municipalities would do with one exception, the majority of the information used for Byram was generated from the Highlands Council. The information was then reviewed, edited and revised at the local level and then sent back to the Highlands to be finalized.

Mr. Gleitz discussed other processes that will need to happen for plan conformance, they are; Module 3, a Housing Plan will have to be adopted at some point, Module 5, the Master Plan Element will require some modifications as well as Module 6, the Land Use Ordinance. Mr. Gleitz added a Waste Water Management Plan Chapter has to be completed, and updating the Zoning Map.

Chairman Shivas wanted clarification on page 23 of the ERI, "*Special Environment Zones*" on the wording "*where development shall not occur*". Mr. Gleitz pointed out that this section is a list of priority areas or target sites for the Highlands for TDR programs and acquisitions. Planning Board Attorney Kurt Senesky asked where in the document is that indicated and why does it say "*development shall not occur*". Mr. Gleitz added it is based on a conversation he had with the Highlands staff. Mr. Gleitz agreed that this section is poorly worded but pointed out that if these parcels are not acquired thru either easement, purchase or thru TDR process then their underline zoning remains in place, existing exemption criteria remains in place, and they can be developed per their underline zoning according to the septic densities as prescribed throughout the rest of the Highlands. All of these propriety areas are already in the protection zone of the preservation area and are the highest density protection areas and lowest areas of development. He noted this is not a "takings" clause and this is not a "takings" map. There was a brief discussion about the word "zone" and how it is used throughout the document and many on Board felt the Highlands should use the term "area" vs. "zone". Chairman Shivas added that the document was hard to read and noted that the maps would be easier to understand if the Highlands Council used transparent layered maps, some of the protected areas are contiguous with exempt parcels but it is impossible to tell by the map where one property stops and the other begins.

Planning Board Member Frank Gonzalez noted that he spoke to someone at the Highlands about depicting areas in Andover that border Byram's protection zone that are critical but not shown on the Highlands map and Mr. Gonzalez was told by the Highlands Council that these resources could be mapped however Mr. Gonzalez noted that the maps do not depict these areas. Example; a well located in the Forest Lakes section of Byram that resides in Andover Township yet serves residents in Byram with public drinking water should be depicted on the map. Mr. Gleitz didn't feel that could be done because this is a Highlands map and Andover is not in the Highlands.

Mr. Gleitz told the Board they do not have to adopt the document tonight. He can go back to the Highlands Council, ask them to change the language or remove the whole chapter. Chairman Shivas asked the Board to review the document carefully, list any questions or concerns and on May 19th put this matter on the Agenda for discussion and possibly adopt the document. The Board directed Mr. Gleitz to check with the Highlands Council on the mapping issues with adjacent towns that have resources that Byram utilizes; to change language on page 23 and on page 27, Ground Water Capacities, Mr. Gleitz will find where the percentages are derived from, see if it is possible to find the reference material.

Mr. Gleitz noted that the chart on page 22 numbers has been updated and they are as follows:

Preserved Land Category	Acres
Preserved Farmland	0
<i>Preserved Open Space</i>	
Federal	0
State	3,223.54
County	0
Municipal	673
Non-Profit and Authorities	816
Private	7.65
Conservation Easements (where known)	0
<i>Total Preserved Lands</i>	<i>4,720.19</i>

Chairman Shivas opened to the public.

Councilman Olson, 194 Glenside Trail addressed Mr. Gonzalez's point about mapping resources outside of the Highlands area that impact Byram resources and Mr. Olson didn't believe Mr. Gonzalez received good information. He indicated that if they are outside of the Highlands and this is a Highlands document those areas would not be included. Mr. Olson added this is one of the things he would like to see included also, example; if there is a public well outside of the "Highlands" but the recharge area is within the Highlands the well should be depicted on the map.

Councilman Olson spoke about page 23 as well and noted that "exemptions" trump everything and recommended the Board ask for clarification from the Highlands as to a structure of "what trumps what". He also agreed that the word "zone" should be replaced with "area". No one else from the public came forward. Chairman Shivas closed the meeting to the public. A motion was made by Mr. Valentine and seconded by Mr. Kaufhold to carry to May 19th without further notice. 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

Zoning Permit Review

Item tabled until Planning Board Engineer Lou Slaby is available.

Right to Farm Ordinance Review

There was a brief discussion about the Right to Farm and the item was tabled until feedback is received from the Highlands Council.

Site Plan Waiver Process

There was a brief discussion about the draft handed out, a few changes were made and Mr. Senesky will draft another document for the Board’s review on April 7, 2011.

OTHER BUSINESS THE BOARD DEEMS NECESSARY

Planning Board Member Wayne Valentine felt the Parking Ordinance may need updating. He felt that are businesses along Route 206 that are parking in areas there should be no parking. Chairman Shivas felt if someone is in violation of the parking ordinance they should contact the zoning officer. Mr. Valentine thought perhaps the Board needs to look at the number of spaces for each permitted use. Mr. Gleitz said most towns have an ordinance that say no vehicles shall be parked on unimproved areas and all vehicles must be licensed, insured and registered and the language is very clear.

Mr. Valentine would like to see a sample from other towns. Mr. Gleitz said he could bring sample language that other towns use.

REPORTS FROM COMMITTEES

- Township Council – Councilman Olson stated there is a meeting on 3/18/11 at 12PM to discuss the Route 206 project and the maintenance of certain areas. Mr. Olson invited Chairman Shivas to the meeting.
Mr. Olson also noted there is an upcoming meeting with the EPA regarding the Mansfield Dump site and they will be developing a community advisory group of 15 to 25 residents. They are looking for elected officials, environmental commission members, and planning board representatives to ensure a chain of communication between all the Governing Bodies, residents and authorities doing the clean up. Some of the discussion items will be remediating the soil, and/or an alternative water source for the wells in East Brookwood that were contaminated. Planning Board Member Lisa Shimamoto volunteered since she lives in the East Brookwood section of Byram.
It was also recommended that Mr. Gleitz add this site to the ERI.
- Open Space – Caryn Segal, nothing to report
- Environmental Commission – Caryn Segal, nothing to report. The next meeting date is April 7th.
- ARC – ARC Member Lisa Shimamoto said they are in the process of reviewing the drawings for the CVS/Barone’s site. Ms. Shimamoto indicated the drawings they are looking at are very different from the final, approved drawings submitted three years ago when CVS received approval from the Board development at a different location. Mr. Gleitz will look for the old memos to CVS from 2003.
In addition, Ms. Shimamoto advised the Board that the ARC is changing their meeting dates to the second Wednesday of the month. This should allow for more application review time between the ARC dates and the Planning Board dates.

BILLS:

Lou Slaby Associates \$1,243.50 (3 Bills)

A motion was made by Mr. Chozick and seconded by Mr. Kaufhold to approve Mr. Slaby's bills.
All were in favor. Motion Carried

Schenck, Price, Smith & King, LLP \$2,113.50 (7 Bills)

A motion was made by Mr. Chozick and seconded by Mr. Kaufhold to approve Mr. Senesky's bills.
All were in favor. Motion Carried

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

ADJOURNMENT:

At 10:05PM Mr. Valentine made a motion to adjourn, Mr. Kaufhold seconded the motion. All in favor. Motion Carried

Chairman Shivas adjourned the meeting.

Respectfully submitted; *Cheryl E White*