

**MINUTES**  
**BYRAM TOWNSHIP PLANNING BOARD**  
**November 5, 2009**

**CALL TO ORDER**

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

**ROLL CALL**

	<i>Mr. Chozick</i>	<i>Mr. Kaufhold</i>	<i>Mr. McElroy</i>	<i>Mrs. Raffay</i>	<i>Mrs. Segal</i>	<i>Mr. Steyh</i>	<i>Mr. Valentine</i>	<i>Mr. Walsh</i>	<i>Mr. Gonzalez</i>	<i>Ms. Shimamoto</i>	<i>Mr. Shivas</i>
Roll Call	8:10	P	P	P	P	A	P	P	P	P	P

Attorney	Kurt Senesky
Planning Director	Christopher Hellwig
Engineer	Lou Slaby
Planner	Paul Gleitz

**FLAG SALUTE**

**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.

**MINUTES**

October 1, 2009

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

	<i>Mr. Chozick</i>	<i>Mr. Kaufhold</i>	<i>Mr. McElroy</i>	<i>Mrs. Raffay</i>	<i>Mrs. Segal</i>	<i>Mr. Steyh</i>	<i>Mr. Valentine</i>	<i>Mr. Walsh</i>	<i>Mr. Gonzalez</i>	<i>Ms. Shimamoto</i>	<i>Mr. Shivas</i>
Roll Call	-	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y

Motion carried

**RESOLUTIONS**

2TonJac / Timbers – Request for modification to Site Plan Waiver Resolution

A motion was made by Mr. Valentine and seconded by Mr. Kaufhold to approve the resolution.  
The following vote was taken:

	<i>Mr. Chozick</i>	<i>Mr. Kaufhold</i>	<i>Mr. McElroy</i>	<i>Mrs. Raffay</i>	<i>Mrs. Segal</i>	<i>Mr. Steyh</i>	<i>Mr. Valentine</i>	<i>Mr. Walsh</i>	<i>Mr. Gonzalez</i>	<i>Ms. Shimamoto</i>	<i>Mr. Shivas</i>
Roll Call	Y	Y	-	Y	Y	Y	Y	Y	Y	-	Y

Motion carried

Z4-08 John Kurilko, 4 Harbor View Dr, Block 284, Lot 183-185

A motion was made by Mr. Kaufhold and seconded by Mr. Valentine to approve the resolution.  
The following vote was taken:

	<i>Mr. Chozick</i>	<i>Mr. Kaufhold</i>	<i>Mr. McElroy</i>	<i>Mrs. Raffay</i>	<i>Mrs. Segal</i>	<i>Mr. Steyh</i>	<i>Mr. Valentine</i>	<i>Mr. Walsh</i>	<i>Mr. Gonzalez</i>	<i>Ms. Shimamoto</i>	<i>Mr. Shivas</i>
Roll Call	Y	Y	-	Y	Y	Y	Y	Y	Y	-	Y

Motion carried

Z19-06 Jerry Delane, Route 206, Block 360, Lot 8

A motion was made by Mr. Steyh and seconded by Mr. Valentine to approve the resolution.  
The following vote was taken:

	<i>Mr. Chozick</i>	<i>Mr. Kaufhold</i>	<i>Mr. McElroy</i>	<i>Mrs. Raffay</i>	<i>Mrs. Segal</i>	<i>Mr. Steyh</i>	<i>Mr. Valentine</i>	<i>Mr. Walsh</i>	<i>Mr. Gonzalez</i>	<i>Ms. Shimamoto</i>	<i>Mr. Shivas</i>
Roll Call	-	Y	-	-	Y	Y	Y	-	Y	-	Y

Motion carried

**OLD BUSINESS**

Z5-09 Osgood / Myers, 241 Lake Drive, Block 255, Lot 225

Rear and lake setbacks for renovation / addition

Ms. Monica Osgood and Mr. Ben Horton were both called and sworn for this application.

Ms. Osgood is seeking an addition to her home. The existing house is a Bi-Level and the addition would consist of a family room to the rear and a bedroom to the side. There will also be a two-car carport toward the front. There is also a proposal to have a gazebo and a deck to the side of the property and a fence along the road.

The site plan now shows that setting the fence back from the road improved visibility of traffic.

Mr. Horton reviewed the façade heights on the drawing. Variances are being requested for three sides.

A 1'-2 ½' height variance is being requested along with a max façade height variance for the left side of 3'7'. The other two sides are lower.

Mr. Horton feels that the house will still be consistent and in scale with the rest of the neighborhood.

The southern and closest neighbor would not be affected by the height.

Ms. Osgood feels that trees around the house will minimize the impact.

Mr. Horton reviewed the rendering of the elevation.

Caryn asked about the ceiling height in the addition area. Mr. Horton stated that it is about 10.5' high.

Mr. Horton reviewed the square footage of the house.

Ms. Shimamoto asked about the setbacks to the lake. The addition goes over existing retaining walls.

Ms. Osgood presented some photos, which were marked as A-1 with today's date.

Mr. Horton reviewed the variances requested.

The mezzanine is about 13% of the floor below. Ms. Shimamoto thinks it should only be 10%. Mr. Horton stated that 53% would be the limit.

Mr. Horton felt that the retaining walls should be considered as a structure within 75' of water.

Mr. Horton reviewed the carport. The ground slopes quickly towards the lake.

The existing garage is used for storage because there is no storage in the house.

Ms. Osgood is willing to remove the garage doors in order to get the variance.

The carport is open on two sides and the other two sides are open concrete blocks.

Ms. Osgood reviewed the dock proposal. Mr. Walsh asked if this board has ever approved docks?

Ms. Shimomoto asked about the vegetative buffer requirement. Ms. Osgood feels that the growth along the lake is not a good species. The dock will help control the tubular plants growing there. She would like to preserve the good parts of the buffer.

Mike asked about the regulations regarding accessory structures.

Kurt asked what the square footage was for the accessory structure. There is 540 square feet in total.

George asked about reducing the façade height by flattening the roof.

Mr. Horton discussed that the changes would result in a larger height variance. Wayne suggested changing the pitch of the roof. The Board continues to discuss the façade heights.

George would like to see him change the roof to meet the height.

Ken discussed the 6' fence. He does not like the fence in the front yard. Adolf would prefer a 4' fence and more trees.

Ms. Osgood said that the general public uses the north side of the property to access the lake. She would like the privacy of a 6' fence.

Ms. Osgood doesn't have a problem with putting the fence behind the trees.

George thinks the carport should be at least 10' from the house.

**Open to the Public:**

- There were no comments

Mike asked about the deck and the retaining wall. Mr. Horton explained the deck would lose functionality if it was changed.

Ms. Shimamoto has a problem with the addition and the deck being so close to the water.

Ben stated they would dig until they hit a solid footing. He doesn't think it will be a problem.

Mike doesn't have an issue with garage and gazebo. He and Adolf do not like the 6' fence and the proximity to the lake.

George doesn't like the dock. He discussed the need for a buffer.

The dock is 80 linear feet and the waterfront is about 360 lf.

George told Ms. Osgood that she should file a separate application for the fence. Generally the Board felt the fence should be behind the trees.

The application was carried to 12/3/09. A motion was made by Mr. Valentine and seconded by Mr. Kaufhold. The following vote was held.

	Mr. Chozick	Mr. Kaufhold	Mr. McElroy	Mrs. Raffay	Mrs. Segal	Mr. Steyh	Mr. Valentine	Mr. Walsh	Mr. Gonzalez	Ms. Shimamoto	Mr. Shivas
Roll Call	Y	Y	Y	Y	Y	Y	Y	Y	-	-	Y

Z9-09 Thomas & Lois McCarthy, 7 Laurel Cove Rd, Block 184 Lot 26 and Block 185 Lot 14  
Expansion of home on an undersized lot with front yard setback

The Mc Carthy application was carried to 12/3/09. A motion was made by Mr. Valentine and seconded by Mr. Kaufhold. The following vote was held.

	Mr. Chozick	Mr. Kaufhold	Mr. McElroy	Mrs. Raffay	Mrs. Segal	Mr. Steyh	Mr. Valentine	Mr. Walsh	Mr. Gonzalez	Ms. Shimamoto	Mr. Shivas
Roll Call	Y	Y	Y	Y	Y	Y	Y	Y	-	-	Y

Z8-09 Mary Ellen Pirozzolo, 58 River Rd, Block 4, Lot 863  
Use variance to permit 2-family home

Mrs. Pirozzolo appeared before the board again.

The Sussex County Health Department has no issue with her septic system.

Mrs. Pirozzolo built the house with the approval of the construction official with three stipulations.

Ken asked about the burden of proof. Kurt explained it.

George asked about the highlands implications. Caryn mentioned that the variance is for the property not the person.

Mrs. Pirozzolo stated that the most prospective buyers have been combined families.

**Open to the Public**

Mary Pajaro 29 Beech St

She asked if there were separate utilities. She pointed out that the future owners could rent both sides.

Kurt stated there would be a stipulation that the house be owner occupied.

Kevin Dubé of 8 Broad Ave did additional research on the UCC code. He found a section of the code that would require updating of the building to current code.

Lou added that the Board would not get involved in this issue. The construction official has to approve it and sign off on the CO.

Skip Danielson of 18 Hunters Lane. He feels that looking forward this property is ripe for extremely large extended families, slamming, or overpopulation.

He asked if we would be better off with a group home or a rental.

George feels that the house needs to be owner occupied. The house has one zone with geothermal heat.

Barbara McLaughlin of 42 River Road. She referenced the community deed. Kurt stated that has no impact in the hearing. The association can sue afterwards.

Janet Durica of 44 Mayne Ave asked if the 400+ residents have a say as to what happens.

Kurt said she had a right to appear and testify.

August DiAngelo at 60 River Road, he is afraid that the vacant lots will go two-family. He also feels that there will be tax implications as far as the school goes.

George explained that every application has to stand on its own merit.

Barbara McLaughlin of 42 River Road asked if she could appeal to the town council.

Close to the Public.

Mr. Steyh made a motion to deny, Mr. Chozick seconded it. The following vote was held.

	Mr. Chozick	Mr. Kaufhold	Mr. McElroy	Mrs. Raffay	Mrs. Segal	Mr. Steyh	Mr. Valentine	Mr. Walsh	Mr. Gonzalez	Ms. Shimamoto	Mr. Shivas
Roll Call	Y	Y	-	-	Y	Y	Y	N	Y	-	N

Motion approved

Mr. Shivas made a motion to approve. Mr Kaufhold seconded it. The following vote was taken.

	Mr. Chozick	Mr. Kaufhold	Mr. McElroy	Mrs. Raffay	Mrs. Segal	Mr. Steyh	Mr. Valentine	Mr. Walsh	Mr. Gonzalez	Ms. Shimamoto	Mr. Shivas
Roll Call	N	N	-	-	N	N	N	N	N	-	N

Motion failed.

**OTHER BUSINESS**

Highlands Plan Conformance

George carried the Highlands plan discussion to the next meeting.

Patriots Path Road Vacation Request

After a very brief discussion Mr. Valentine moved to approve the Patriots Path Council to vacate the paper roads in the camp. Mr. Kaufhold seconded the motion. The following vote was held.

	Mr. Chozick	Mr. Kaufhold	Mr. McElroy	Mrs. Raffay	Mrs. Segal	Mr. Steyh	Mr. Valentine	Mr. Walsh	Mr. Gonzalez	Ms. Shimamoto	Mr. Shivas
Roll Call	Y	Y	Y	Y	Y	Y	Y	Y	-	-	Y

Motion Passed

**ENVIRONMENTAL COMMISSION REPORT**

**BILLS**

**OPEN TO THE PUBLIC**

Skip Danielson, 18 Hunters Lane Asked if he could be emailed copies of the Highlands Documents. He stated we should look at and analyze the Center parcels for impacts.

**ADJOURNMENT**

11:20