

**MINUTES  
BYRAM TOWNSHIP PLANNING BOARD  
December 17, 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	-	P	P	-	P	-	-	-	P	P	P

Attorney	Kurt Senesky
Planning Director	Christopher Hellwig
Engineer	
Planner	

**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 29, 2009

A motion was made by Mr. Kaufhold and seconded by Mrs. Segal to adopt the minutes. The following vote was held.

	<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

**RESOLUTIONS**

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

Rear and lake setbacks for renovation / addition

Mrs. Segal asked about a buffer in the Osgood resolution. Mr. Hellwig will provide a plant listing to Ms. Osgood.

A motion was made by Mrs. Segal and seconded by Mr. Kaufhold to adopt the resolution. The following vote was held.

	<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

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

Mr. Shivas had some questions in about the septic system in the McCarthy resolution. A motion was made by Mr. Kaufhold and seconded by Mrs. Segal to adopt the resolution. The following vote was held.

	<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

Z10-09 Lisa and Charles Lulo, 100 North Shore Rd, Block 105 Lot 42  
Front yard setback for addition

A motion was made by Mrs. Segal and seconded by Mr. Kaufhold to adopt the resolution. The following vote was held.

	<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

**NEW BUSINESS**

SP5-09 Tomahawk Lake, block 343 lot 3  
Sparta-Stanhope Rd

Mr. Wallace was called and sworn. He is representing himself and his sisters whom own the property.

He would like to extend the fence from the Fun Valley property along this property as well.

He is proposing the fence to be 3' from the ROW.

The fence will be galvanized chain link with barbed wire. It will match the fence on the Fun Valley property.

The property is zoned Commercial Recreation.

There is a small bungalow on the property used in the summer for international workers.

#### OPEN TO THE PUBLIC

Mr. George Kately asked about 7' that he deeded to widen Tomahawk Trail.

He would like to see the fence cutback so as not to block the view of the store.

The fence will be angled to the existing stonewall. There will be about 40' to the fence from the corner.

Mr. Shivas asked about the dirt path.

Mr. Eskil Danielson asked about a gate for fire access. Mr. Wallace is willing to put a 12' gate near Mr. Katelys property. The fire company can use the west gate entrance to access the property via the dirt path.

Mr. Shivas has an issue with the barbed wire. Mr. Senesky suggested fencing with small holes so it is not climbable.

Mr. Gonzalez asked about line of sight issues with lot 5. Mr. Wallace is willing to angle the fence at this location as well.

#### CLOSE TO PUBLIC

A motion to approve was made by Mrs. Segal and seconded by Mr. Kaufhold. The motion was conditioned on the following:

1. No barbed wire.
2. A gate will be added for pedestrian access

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

Motion carried.

SP6-09 and SP7-09 CBS Outdoor, block 365 lot 5, and block 35, lot 38.01  
Route 206

Mr. Louis D’Aramino appeared representing the applicant.

There are four faces existing. Two side-by-side and back-to-back on Raimo’s property.  
There is a single sided sign on Wild West City’s property.

The new signs are slightly smaller than the existing.

Mrs. Segal asked about 240-80:P1. Mr. D’Arminio was reading from 240-80:P12A.

Billboards are not permitted under 240-80:11.

Ms. Shimato asked if this application is being brought on by the 206 widening.

Ms. Mary Hudak was called and sworn. She works for CBS Outdoor as the property manager for the Morris-Sussex-Warren region. She presented a board that was marked as A-1.

Mr. D’Arminio provided photos of the existing signs which were marked as A-2. A second set of photos were marked as A-3.

A November 30<sup>th</sup> letter from Mary Hudak was marked as A-4.

A notification of condemnation was given for each of the properties was shown to the board. State permits from DOT were marked as A-5 and A-6.

The signs meet DOT requirements. The southbound signs are side by side and are proposed to be stacked not more than 35’. Mr. McElroy asked if this is a variance.

Mrs. Segal asked about the permitted height in the VB zone.

Mr. D’Arminio feels the height is conforming. A-7 was provided which a photo of a stacked sign. The signs are made of Ecoflex Vinyl which is the new technology and it stays in place.

Mr. D'Arminio reviewed the second sign, which is on the Wild West City property. A-8 was marked which is a photo of a sign showing two I-Beams supports on either side instead of a single pole.

Mr. Senesky does not think this application is a use variance.

Mr. Alex Zepponi was called and sworn as an expert PE and PP. He prepared A-1. He reviewed the board with the Board. He reviewed the areas the state was condemning and that exhibit was marked as A-9.

Sign #1 will be moved along its axis about 8'. The new sign will be on the edge of the ROW.

Exhibit A-10 was the condemnation plan for sign #2. The taking is about 12'. The sign will move along its axis.

Mr. Zepponi feels that the proposed signs are a benefit. There is no change that will impair site plan conditions. The site plan concerns are minimal.

**OPEN TO PUBLIC**

Mr. Danielson of 18 Hunters Lane asked about public service advertising when not leased. Mrs. Hudak stated the company does no that. The only charge is for copy and not rental.

A motion was made by Mr. Kaufhold to approve SP6-09 and seconded by Mr. Segal. The following vote was held.

Motion approved.

A motion was made by Mr. McElroy to approve SP7-09 and seconded by Mrs. Segal.

Mr. Kaufhold has concerns about height. Ms. Shimamoto agrees. Mr. McElroy does not like the height either.

Ms. Hudak said the 12' at the bottom can be lowered 5'.

The following vote was held.

	<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

Motion carried.

**OTHER BUSINESS**

**ENVIRONMENTAL COMMISSION REPORT**

**BILLS**

Bills in the amount of \$2084.25 were approved for Kurt Senesky.

**OPEN TO THE PUBLIC**

Jack Moran of 7 East Waterloo Road asked about the process when the town acquires a new park parcel.

Mr. Shivas explained the process and Mrs. Segal elaborated.

The Board is not always involved.

Mr. Danielson spoke to Mr. Shivas's point about staff showing up in a rush before the Board. Sometimes it is unavoidable and out of our control.

Jeannie Moran of 7 East Waterloo would like to see the Board review the East Brookwood park proposal.

Mr. Danielson got up again to wish everyone a Merry Christmas, Happy Hanukkah and a Happy New Year.

**ADJOURNMENT**

10:15