

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

CALL TO ORDER

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

Board Secretary Cheryl White
Township Attorney Kurt Senesky

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: February 3, 2011

A motion was made by Mr. Kaufhold and seconded by Mr. Valentine to approve the minutes with a minor correction. 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	
Nay											
Abstain					X						
Absent	X		X	X			X				

Motion Carried

SITE PLAN WAIVER REQUEST - Center for Humanistic Change – Block 42 Lot 110 – 12 Rte 206

Take space from training room and add clothing thrift store.

It was determined there is no significant change to parking or signage. A motion was made by Mr. Valentine and seconded by Mr. Walsh to grant the site plan waiver. 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

Z5-09 Osgood, Monica & Meyers, Dan – 241 Lake Dr Block 255 Lot225

Extension for 1 year for rear and lake setbacks for renovation & addition

A motion was made by Ms. Segal and seconded by Mr. Walsh to grant a 1 year extension. 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

NEW BUSINESS

Z11-10 - Doerr, Thomas – 11 Cabin Spring Trail B332 L3.01 – carried from Feb. 3rd, 2011.

Variances to permit expansion of non-conforming use – add a deck, expand a bedroom and add a vestibule

Board Member Michael Walsh stepped down for this application.

Township Attorney Kurt Senesky advised the applicant that this is a “D” variance which requires 5 affirmative votes and only 6 members are present to vote so the applicant may choose to *a) proceed, b) proceed and ask the Board not to vote until more members are present or c) carry to a different meeting date.* Mr. Doerr decided to proceed and asked the Board not to vote until more members are present.

Mr. Doerr had concerns that if the Board denied the variance for the deck they would not consider other aspects of the application. Mr. Senesky clarified that since Mr. is seeking to expand a non-conforming use, a D variance is required and pointed out to Mr. Doerr and the Board that each element of his application is to be considered separately, and advised the Board that this is not an all or nothing application.

Mr. Doerr was sworn in.

Mr. Doerr gave a brief history of the uniqueness of the approximately 8 ½ acre property on which Mr. Doerr owns the structures and leases the land from a private owner. He added how he came to purchase the houses and began renovations and since he does not own the land he cannot obtain a mortgage so any renovations are a financial hardship. The two houses owned by Mr. Doerr are roughly 37’ apart and each house has its own deck with a walkway between the two. When Mr. Doerr began inside renovations on the houses he decided to connect the two decks to facilitate the renovations, which resulted in action by the Township Zoning Officer.

Planning Board Chairman George Shivas pointed out to Mr. Doerr that the Board’s concern regarding the deck locking these two homes together and repercussion if Mr. Doerr sells the one of the houses. Chairman Shivas gave a brief history of problems in the past before the Board with similar situations and wanted Mr. Doerr to know where Board stands on these type issues. Mr. Doerr understood the Board’s concerns and welcomes any creative ideas. A deed restriction was suggested but Mr. Senesky pointed out that since Mr. Doerr only owns the house, not the land there is no deed for this property so a deed restriction could not work, as well as a condition in the resolution, which would be hard to enforce. . Mr. Doerr indicated that a “Bill of Sale” which is filed with the Court, is the document that shows legal ownership of the structures.

Mr. Doerr provided comment to the Environment Commission’s letter dated December 27th, 2010 which was in response to Mr. Doerr’s application. Mr. Doerr provided *Exhibit A1 – Ground Disturbance Photos* which depicts the amount of ground disturbance that actually occurred. Mr. Doerr explained he is sensitive to septic issues; he draws his house water from Cranberry Lake and would not do anything to jeopardize polluting the lake. Mr. Doerr added he didn’t understand what septic issues have to do with the application before the Board, he is not adding bedrooms or to the number of people residing in the house. There was further discussion about Mr. Doerr’s septic issues. It was determined he is in compliance and meeting all Board of Health criteria with regards to pumping requirements for the Lake Septic Management Program for the house with the septic and has sought and obtained a waiver from the Board of Health for Septic Pumping requirements and meets BOH criteria for the house with the seepage pit. Chairman Shivas added that septic issues are not this Board’s expertise and if the BOH has approved Mr. Doerr’s situation, this Board is okay with that.

There was some ideas discussed on Mr. Doerr’s deck that one being a bridge between the two decks that can be removed if one house is sold, another is a separation 5’ or 6’ wide (at the **very least 3’ wide**) between the two decks, railings around the entire decks with a walkway connecting the two that is “piano hinged” w/rails allowing the walkway to connect the decks together but if needed, lifted up. The Board determined that Mr. Doerr could come up with a proposed plan to present to the Board for their review prior to the April 7th, 2011 meeting.

Bedroom expansion -There was discussion about the expansion of Mr. Doerr’s bedroom which would involve removing a cinder block wall to expand the bedroom for comfort purposes. Mr. Doerr

added that since the deck required a variance and he had to come before the Board it was a good opportunity to include other improvements that he anticipates doing to his home. He added this would be a visual improvement to the home, a safety improvement and has no adverse impact to adjacent property owners.

Vestibule - The vestibule would be a 4'x6' box on top of an existing concrete pad to capture cold air from entering the home.

A motion was made by Mr. Valentine and seconded by Mr. Kaufhold to carry this application to April 7th, 2011 with no further notice. Mr. Doerr will provide new proposed deck plans with dimensions to the shoreline. 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	
Nay											
Abstain											
Absent	X		X	X			X	X			

Motion Carried

Board Member Andrew McElroy joined the meeting at 9:20P.M.

OTHER BUSINESS

Site Plan Waiver Request – New Process

The Board discussed the draft document of the new process that Mr. Senesky worked on. A suggestion was made to add that if professionals of the applicant are involved extra fees would apply. In addition, if an applicant was bringing professionals notice must be provided to the Township. Mr. Senesky will revise the document and provide a copy to the Board.

Board Member Caryn Segal talked about some alternatives for the Jones Lane Open Space parcel. She mentioned that Cory Stoner, Township Engineer came up with some drawings. Caryn will keep the Board updated.

Chairman Shivas gave an update on the Buis/Smith road vacation.

The Board discussed ideas for the ANJEC Grant. Ms. Segal suggested a grant to conduct an inventory on conservation easements in the town. Chairman Shivas suggested a grant to help with revising the Master Plan because of the Highlands. The Highlands will help with some of that expense, but not all of it.

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

BILLS:

Lou Slaby Associates \$1,710.25 (2 Bills)

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

Schenck, Price, Smith & King, LLP \$4,702.50 (5 Bills)

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

ADJOURNMENT:

At 9:50P.M. Mr. Valentine made a motion to adjourn, Mr. Walsh seconded the motion. All in favor. Motion Carried

Chairman Shivas adjourned the meeting.

Respectfully submitted; *Cheryl E White*