

**MINUTES**  
**BYRAM TOWNSHIP PLANNING BOARD**  
**February 4, 2010**

**CALL TO ORDER**

George Shivas called the meeting to order at 8:02 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	A	P	P	P*	P	P	P	P

\*Arrived 8:15 P.M.

Attorney  
Zoning Officer

Kurt Senesky  
John Gutwerk (acting secretary)

**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**

**MINUTES:**

January 21, 2010:

	<i>Planning Board Member</i>	<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>
Motion		X										
Second				X								
Aye		X	X	X		X	X		X			X
Nay												
Abstain			X							X		
Absent					X			X				

Motion carried

**RESOLUTIONS:**

Bouquet, Z07-07, 18 Fieldstone Trail, Block 337.08 Lot 38.45 – request for a one-year extension to construct a new home.

Mr. Senesky explained the expiration date of December 19, 2010. If the expiration was in January, 2011 then the third and final extension would be used. This way, they have one extension remaining after December 19, 2010.

The following vote was taken:

	<i>Planning Board Member</i>	<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>
Motion						X						
Second		X										
Aye		X	X	X		X	X		X			X
Nay												
Abstain			X							X		
Absent					X			X				

Motion carried.

Osgood & Myers Z5-09, 241 Lake Dr., Block 255 Lot 225 – Request for a variance to construct additions, a detached carport, a gazebo and fencing.

The following vote was taken:

Planning Board Member	Mr. Chozick	Mr. Kaufhold	Mr. McElroy	Mrs. Raffay	Mrs. Segal	Mr. Steyh	Mr. Valentine	Mr. Walsh	Mr. Gonzalez	Ms. Shimamoto	Mr. Shivas
Motion	X										
Second						X					
Aye	X		X	X		X		X	X	X	
Nay											
Abstain		X				X					
Absent					X			X			

Motion carried.

**OLD BUSINESS:**

Patriots Path Council SP1-05 Amended, Mount Allamuchy Scout Reservation, Block 377 Lot 2: reconstruct bathroom/shower facility.

Keith Dlugosz, Director, Mount Allamuchy Scout Reservation and their attorney, Patrick McDonough of Summit, N.J. were sworn in by Mr. Senesky.

Mr. McDonough explained the original application was started in 2003 before the Highlands Act was adopted. In October 2005 they received approval from the Board. They have downsized the plans to eliminate the pool, downsized to 10 showers, a ladies’ room and a men’s room (all with handicap accessibility). The property is a 56 acre parcel with an adjoining lot of 857 acres. The building will be 36 square feet less than the existing structure and 98% of the existing footprint. This is less than the 125% limit imposed by the Highlands Act.

Mr. Dlugosz explained they are installing a new septic system in a new location. They have Sussex County Health Department approval and they are abandoning the existing septic system. He also stated there is not much lighting in the camp as is the Boy Scout tradition. Leaders use lanterns after dark.

Mr. Shivas asked if the Byram Twp. Board of Health should review the application.

Mr. Steyh explained if the County approved the system then local Board of Health approval is not required.

Mr. Senesky inquired asked if Highlands approval was required for a non-residential development.

Mr. Dlugosz stated they spoke with personnel at the Highlands Council and were advised as long as they keep within 125% of the original footprint they are exempt. He also stated that the new bathrooms must be built because outhouses become illegal in 2013.

Ms. Shimamoto asked if you can drive to the facility and if there is parking.

Mr. Dlugosz explained there is no driving beyond the main parking lot, walking is required beyond the main parking lot and there is no parking at the facility.

Open to the public. No one came forward to be heard.

Closed to the public.

The following vote was taken:

Planning Board Member	Mr. Chozick	Mr. Kaufhold	Mr. McElroy	Mrs. Raffay	Mrs. Segal	Mr. Steyh	Mr. Valentine	Mr. Walsh	Mr. Gonzalez	Ms. Shimamoto	Mr. Shivas
Motion							X				
Second		X									
Aye	X	X	X	X		X	X		X	X	X
Nay											
Abstain								X			
Absent					X						

Motion carried.

WGB Properties LLC & WGB Properties LLC/ James Weichert SP-03-06 & SP03-06B, Block 90.01, 90-02 & 94: request for an extension.

Mr. Shivas stated Mr. Senesky should have Mr. Bilinkas appear at a meeting.

**NEW BUSINESS:**

Kostiuk Z1-10, 40 River Road, Block 4 Lot 887: Height variance for 2.5' above 25' requirement.

Barbara Kostiuk and her contractor, Glenn Happe of Chief Construction, LLC, Blairstown, N.J. were sworn in by Mr. Senesky.

Mr. Chozick questioned why a variance was required for the height.

Ms. Shimamoto stated the plans have a shed roof and the height is to the highest point on a shed roof.

Mr. Happe stated the plans change the current design of a mansard roof to a contemporary design.

Mr. Shivas stated a height variance is the hardest to obtain an approval from this board.

Mr. Happe stated they were extending the existing roof on the same line.

Mrs. Raffay asked how high the solar panels go.

Mr. Walsh asked if the solar panels were going to remain.

Ms. Kostiuk stated the panels are 4'x10' and are probably 2' high and they would remain.

Mr. Senesky stated a "C" variance allows up to 10' or 10% of the allowable height, otherwise it is a "D" variance. He stated this is strictly a "C" variance.

Mr. Kaufhold asked Ms. Kostiuk if she discussed this with her neighbors.

Ms. Kostiuk stated yes and they were ok with the addition.

Mr. Walsh asked if she spoke with the neighbor that looks at the west elevation and she stated yes.

Mrs. Raffay asked about the topography of the property.

Ms. Kostiuk stated it is mostly flat and slopes down to the back.

Mr. Kaufhold stated he looked at the property and it slopes side to side.

Mr. Happe stated it slopes slightly side to side.

Open to the public. No one came forward to be heard.

Closed to the public.

Ms. Shimamoto asked if it was a 2 bedroom septic.

Ms. Kostiuk stated it is a three bedroom septic.

Ms. Shimamoto asked about the attic.

Mr. Happe stated right now the attic will remain unfinished. A future phase 2 will be interior renovations including a master bedroom/master bath in the attic and the existing bedroom reconfigured.

Mr. Senesky stated three bedroom maximum can be made a condition of the resolution.

A motion was made by Mr. Valentine to approve the variance with the condition that there will only be three bedrooms.

Planning Board Member	Mr. Chozick	Mr. Kaufhold	Mr. McElroy	Mrs. Raffay	Mrs. Segal	Mr. Steyh	Mr. Valentine	Mr. Walsh	Mr. Gonzalez	Ms. Shimamoto	Mr. Shivas
Motion							X				
Second		X									
Aye	X	X	X	X		X	X	X	X	X	X
Nay											
Abstain											
Absent					X						

Motion carried.

Mr. Shivas explained the variance is valid for one year and if they do not start the work they can file for up to three one-year extensions.

Anjec Smart Growth Grant: Tabled until the next meeting.

Municipal Role in the Highlands Act: Mr. Senesky that implications from the Highlands Act should be put in the resolutions. He stated it should be a generic resolution about the Highlands Act.

Ms. Shimamoto stated we should not make the decisions for the Highlands Council.

Mr. Senesky stated the Board should make the resolution subject to Highlands approval.

Mr. Shivas stated the applicant should go to the Highlands Council first similar to this Board requiring Board of Health approval first.

Mr. Senesky stated there is a \$750 application fee plus engineering and attorney fees to go to the Highlands Council.

Mr. Walsh stated the applicant may have to get other approvals first, such as DEP. He stated this Board should not be making the determination regarding Highlands applicability.

Mr. Senesky stated the board can make Highlands a condition precedent or a condition of approval. If it is a condition precedent it must be a checklist item.

Mr. Shivas stated the overall completeness lies with the Planning Board and it should be on the checklist.

Mr. Chozick stated it should not be a subject to approval.

Mr. Shivas stated the Planning Board should have accountability for the project.

Mr. Steyh stated we have responsibility for our Board, not the DEP or Highlands.

Mr. Kaufhold if variances are not required, who in the Township is checking to ascertain if Highlands is required.

Mr. Gonzalez stated the most important is the commercial and the applicant can obtain the approvals parallel.

Mrs. Raffay stated the municipality can make a determination that the project qualifies for an exemption in the case of improvements or additions to a single family dwelling in existence on August 10, 2004 or on a lot existing on August 10, 2004.

Mr. Senesky stated the Board can issue a disclaimer in order that the applicant can not come back to the Board and state that the Board stated it was ok.

Mr. Shivas asked Mr. Senesky to draft something for the board to look at.

Mr. Valentine stated it should be specific on the Highlands.

**BILLS: None**

**OPEN TO THE PUBLIC:**

There were no public comments and the meeting was closed to the public.

Mr. Shivas stated the agenda is slowing down. He wants to have applications on the first meeting and planning at the second meeting. If there was no planning then the meeting would be cancelled.

Mr. Shivas stated the budget for planners is tight and one year from June the Master Plan must be revisited. David Stanek stated he is studying planning at Rutgers and will volunteer to help.

**ADJOURNMENT:**

At 9:22 p.m. Mr. Valentine made a motion to adjourn, it was seconded by Mr. Chozick, all were in favor and Chairman Shivas adjourned the meeting.