

**MINUTES
BYRAM TOWNSHIP PLANNING BOARD
March 18, 2010**

CALL TO ORDER

Chairman Shivas called the meeting to order at 8:05 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	Excused	P	P	Excused	Excused	P	P	P	P

Attorney	Kurt Senesky
Engineer	Lou Slaby
Planner	Paul Gleitz
Interim Planning Director	Doris Flynn
Interim Secretary	John Gutwerk

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:

February 18, 2010:

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

Mr. Walsh questioned the first sentence of page 2 regarding a statement by Mr. Senesky. The sentence was amended to read “Mr. Senesky stated we can require as a condition of approval that all other applicable permits be obtained”.

Mrs. Raffay questioned the expiration of the WGB/Weichert resolution because the minutes did not correspond to the accompanying resolution. Mr. Senesky stated both the minutes and the resolution are correct. He further stated the February 1 resolution was incorporated into the December 20 resolution and the resolution being voted on tonight reflects the incorporation of the two resolutions.

The motion and second were amended adding the correction. 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>
Motion				X							
Second		X									
Aye	X	X		X	X			X	X	X	X
Nay											
Abstain											
Absent			X		X	X					

Motion carried

APPOINTMENTS:

A motion was made by Mr. Kaufhold and seconded by Mrs. Segal to appoint Doris Flynn as Interim Planning Board Administrator. 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
Nay											
Abstain											
Absent			X			X	X				

Motion carried.

A motion was made by Mr. Kaufhold and seconded by Mr. Chozick to appoint John Gutwerk as Interim Planning Board Secretary. 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
Nay											
Abstain											
Absent			X			X	X				

Motion carried.

RESOLUTIONS:

WGB Properties LLC & WGB Properties LLC/ James Weichert SP-03-06 & SP03-06B, Block 41 Lots 90.01, 90-02 & 94: request for an extension.

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

Motion carried.

COMPLETENESS:

Gordon Byram Associates, LLC, SP94-07 - Byram Plaza Improvements:

Mr. Walsh made a motion that after review by the Site Plan Subcommittee, the plans to relocate the liquor store and change the pylon sign appear complete and a hearing will be held on April 1, 2010.

Mr. Gleitz stated he would have a report next week on the signage.

Mr. Slaby stated they are looking for a waiver to move the Shop Rite into the existing liquor store and relocating Visual Eyes.

Mr. Litwin, the attorney representing the applicant, stated the waiver is for internal renovations only. The Shop-Rite would expand into the existing liquor store and Visual Eyes would be relocated.

Mr. Slaby questioned the signage.

Mr. Gleitz stated he needed a further explanation of signage and that would be the focus of his report after he received further clarification from the professionals of Gordon Byram Associates.

A vote was taken on the motion by Mr. Walsh and a second by Mrs. Segal:

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
Nay											
Abstain											
Absent			X			X	X				

Motion carried.

OLD BUSINESS:

Old Stone Homes, LLC, 423 Springbrook Trail, Block 315 Lot 2130, Z15-06: request for an extension:

A motion was made by Mr. Chozick and seconded by Mrs. Segal to grant their first extension, expiring March 19, 2011. 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
Nay											
Abstain											
Absent			X			X	X				

Motion carried.

McManus, 15 Weaver House Cove Rd., Block 108 Lot 23, Z21-06: request for an extension:

A motion was made by Mr. Kaufhold and seconded by Mrs. Segal to grant their third and final extension expiring March 15, 2011. 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
Nay											
Abstain											
Absent			X			X	X				

Motion carried.

NEW BUSINESS:

Paul Gleitz gave an update on the Highlands Act, the Village Center and COAH. He stated the Village Center Designation granted to Byram by the Office of Smart Growth is expiring in May, 2010. He stated his office has developed a Village Center plan which will be the first Highlands Center. It is complete with commercial and housing. The plan will meet the COAH obligations, maximize the sewer allocation and leave 25 acres undisturbed within the proposed new

development of the VC Zone. The plan will be presented to the full Highlands Council on April 15. An ordinance would have to be drafted for the Highlands Center designation and will be much simpler than the previous Village Center ordinance. It will spell out the three uses – green field development, existing community redevelopment and critical environmental areas. The Center will try to retain the 130 residential units and 100,000 square feet of commercial space within the Village Center Zone. The Planning Area would be designated as a Growth Area. The water supply will have to be addressed subject to the plan being created and there will have to be a watershed based water management plan.

Mr. Gleitz then gave an update on COAH draft plan. All prior obligations were in the Village Center Zone (33 units). The Growth Share Units would now include eight units on Township owned lots in the R-4 and R-5 zones and two group homes. The Planning Board must adopt the Housing Element with an accompanying Resolution from the Township Council by June 8, 2010. The Housing Element will have to be submitted to the Highlands Council. Mr. Gleitz further explained the proposed State Senate bill S-1 and how it eliminates COAH under this bill. Affordable Housing would be regulated by the State Planning Commission and Mr. Gleitz reviewed the probable pros and cons of this process for meeting affordable housing obligations.

Mr. Gleitz then gave an update on Plan Endorsement, as the Center Designation expires in May. He stated we will be unable to get an affirmative vote by that date from the State Planning Commission. He is working with the Highlands Council for the Highlands Center designation.

BILLS: Mr. Senesky totaling \$3590.25.

A motion was made by Mrs. Segal and seconded by Mr. Walsh to approve the bills totaling \$3590.25 for Mr. Senesky. 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
Nay											
Abstain											
Absent			X			X	X				

OPEN TO THE PUBLIC:

Mr. Scott Olson 194 Glenside Trail stated that at the last Planning Board meeting there was a question about sewer allocation. Mr. Olson, a member of the Township Council, stated that the Township Council has been in ongoing negotiations for the last one and a half years trying to obtain additional sewer allocation. He stated the council is still working on water supply. No one else from the public wishing to speak, the meeting was closed to the public.

OTHER BUSINESS:

Mr. Senesky gave an update on the Lutz case. He stated that Judge Bozonelis upheld Count One and affirmed the Board’s decision to deny the variance. Regarding the Second and Third Counts, the Lutz’s attorney asserted he had newly found evidence regarding the Board being advised of the revised plan. The stop work order and the stay on the summonses remain in effect. The order has been entered and the plaintiffs have 45 days to appeal. A hearing on the Second and Third Counts is scheduled for May 14, 2010.

ADJOURNMENT:

At 10:05 p.m. Mr. Kaufhold made a motion to adjourn, it was seconded by Mr. Chozick, all were in favor and Chairman Shivas adjourned the meeting.