

**MINUTES
BYRAM TOWNSHIP PLANNING BOARD
May 20, 2010**

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>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	P	P	P	P	P

Attorney
Interim Secretary

Kurt Senesky
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 led by Chairman Shivas.

MINUTES:

May 6, 2010:

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

Motion carried.

RESOLUTIONS:

Trac Contracting, Inc., Waterloo Rd. (Cranberry Ledge), Block 91 Lot 286, Z11-08: Tabled until the next meeting, the resolution was not available to vote on.

OLD BUSINESS:

Joseph Shakh, 40 Ash St., B7 L259, Z22-06: Request for an extension. Initial variance granted May 18, 2007 and expired on May 18, 2008.

A motion was made by Mrs. Raffay and seconded by Mrs. Segal to grant three one-year extensions with the third and final extension expiring on May 18, 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	X	X	X
Nay											
Abstain											
Absent											

Motion carried.

NEW BUSINESS:

Guy Mariani, 13A Birch Rd., B216 Lot 13.03, Z4-10: side yard variance for above ground pool.

Mr. Mariani was sworn in by Mr. Senesky.

Mr. Senesky explained that an above ground pool is an accessory structure.

Mr. Walsh asked Mr. Mariani about his prior application for the pool.

Mr. Mariani stated he did not need a variance however he had to move the pool due to his leach field.

Mr. Gonzalez asked if there was enough room to place the pool between the two leach fields.

Mr. Mariani stated there was not.

Mr. Senesky asked if there were going to be any outdoor lights.

Mr. Mariani stated there would not be any outdoor lights.

Mr. Senesky asked if there was a house to the right and how far it is.

Mr. Mariani stated yes and it is about 30 feet.

Mr. Shivas asked if there would be a deck around the pool.

Mr. Mariani stated no, just the pool ladder.

Mr. Valentine asked Mr. Mariani if he spoke with the neighbor on that side.

Mr. Mariani stated yes and they had no problem with it.

Mr. Shivas opened the meeting to the public. No one wished to be heard and the meeting was closed to the public.

A motion was made by Mr. Walsh and seconded by Mrs. Segal to approve the variance. 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	X	X
Nay											
Abstain											
Absent											

Motion carried.

Brian Leahy, 60 Sherwood Forest Dr., B281 L417.02, Z3-10: rear & side yard variance to extend deck.

Mr. Leahy was sworn in by Mr. Senesky.

Mr. Leahy explained he wanted to extend his deck out 10' from the existing 16' deck. The new deck will then step down to a wooden walkway.

Mr. Senesky asked if the 8'x16' deck currently exists.

Mr. Leahy stated that is a wooden walkway on grade.

Mr. Chozick asked if he was adding a 10'x21' deck.

Mr. Leahy stated yes.

Mrs. Raffay asked about the stairs onto the deck by the old deck.

Mr. Leahy stated he would remove the old stairs and there would be one set of stairs onto the new deck.

Mr. Senesky asked why on the survey the 10'x21' new deck goes across the entire rear of the house.

Mr. Leahy stated it does not go all the way across and that his carpenter drew it incorrectly that way.

Mr. Chozick asked if the stairs go down to the wooden walkway.

Mr. Leahy stated it is one step down.

Ms. Shimamoto stated the submission is very confusing. The survey and the plans do not match and they need to be clarified.

Mr. Senesky stated the Board could ask to see new plans before they decide or they could approve with a subject to submission of new plans.

Ms. Shimamoto stated the second page of his construction plans show a 14'x20' deck.

Mr. Walsh stated that what Mr. Leahy is explaining seems acceptable however the plans need to be clarified.

Mr. Leahy stated they were completed by his carpenter.

Mr. Senesky stated the survey needs to accurately depict what Mr. Leahy wants to build.

Mr. Kaufhold stated he looks at the project very unobjectionably.

Mr. Senesky stated a motion could be made to carry the application to the June 3 meeting.

Mr. Shivas stated to Mr. Leahy that he has to accurately depict what he is going to build and all plans must be exactly the same. He must show exactly what he wants to build.

Mr. Walsh stated he is interested in distances and the stairs.

Mr. Senesky stated the depictions should show looking down, from the side and the survey must be corrected.

Mrs. Raffay stated the side yard setback needs to be depicted.

Mr. Shivas asked about the well and septic.

Mr. Leahy stated he has city water and the septic is in the front yard.

Mr. Shivas opened the meeting to the public. No one wished to be heard and the meeting was closed to the public.

A motion was made by Mr. Valentine and seconded by Mr. Chozick to continue the application without further notice at the June 3, 2010 meeting. 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	X	X
Nay											
Abstain											
Absent											

Motion carried.

Nathan Kerr, 6 Weaver House Cove Rd., B 110 L10-13, Z2-10: variance to construct a garage in a front yard.

Mr. Kerr was sworn in by Mr. Senesky.

Mr. Kerr explained the location was the best place on the property.

Mr. Senesky explained the property was a through lot with two front yards.

Mr. Kaufhold asked on which road was the entrance to the house.

Mr. Kerr stated Weaver House Cove Rd.

Ms. Shimamoto asked a code question as to the road width. She stated the road is only 20' wide when 40' is required. He needs to add 10' on his side.

Mr. Shivas stated he shows 45' front yard setback, that includes the 35' setback plus the 10' for the road.

Ms. Shimamoto asked why this is a front yard.

Mr. Shivas stated anything in front of the house is a front yard.

Mr. Walsh stated the variance is because of the location of the house.

Mr. Chozick asked if this was a standard two car garage size.

Mr. Senesky stated it was.

Mr. Kaufhold asked if the garage was by the slope on the property.

Mr. Kerr stated the garage ends just before the slope on the property. He stated there are not a lot of level spots on the property.

Mr. Senesky asked if the property was uphill from Weaver House Cove Rd.
Mr. Kerr stated yes it was.
Mr. Chozick asked if it was level from Brook Trail and if the driveway would be paved.
Mr. Kerr stated it was level from Brook Trail and the driveway would be gravel.
Ms. Shimamoto asked if the back of the garage faces Weaver House Cove Rd.
Mr. Kerr stated yes it does and he has gravel driveways from both roads.
Mr. Walsh asked if the shed and garage are the flat area of the yard.
Mr. Kerr stated it was.
Mr. Kaufhold stated that the height of the peak was almost the maximum of the zone.
Mr. Kerr stated he wants to add a new roof to the house.
Mr. Kaufhold asked if the garage was going to have a second floor.
Mr. Kerr stated no and there would be a high ceiling with just the rafters.
Mr. Senesky asked why the roof would have a 12 on 12 pitch.
Mr. Kerr stated it would look good, it is easy to frame and it will match what he wants to do to the house.
Mr. Shivas asked what he was going to put in the rafters.
Mr. Kerr stated storage and there would not be any stairs.
Mr. Valentine stated there would be a lot of space there.
Ms. Shimamoto stated the garage height cannot exceed the height of the house.
Mr. Senesky asked if we established the height of the house and that we need to know that.
Mr. Kerr stated he did not provide that with this submission. He stated the house has a shed roof.
Mr. Gutwerk provided a photograph that Mr. Kerr provided with an earlier Zoning Permit application. It depicted the height of the house.
Mr. Senesky marked the photograph as A-1. It depicted the height of the house as 17' 2 ½". The photograph will be placed in the file.
Mr. Shivas asked where the measurement of 17' 2 ½" was measured to.
Mr. Ralph Olenik a friend of Mr. Kerr's and a draftsman by trade was sworn in by Mr. Senesky. He explained the measurement of the house as it related to the slope of the shed roof.
Mr. Kaufhold asked about the measurement of the height of the garage. He stated it should be 17' not the 23'3" in the application.
Mr. Kerr stated yes the height is 17'.
Mr. Gonzalez stated the front elevation of the garage depicts 17'.
Mr. Walsh stated the only variance being considered is an accessory structure in the front yard.
Mr. Shivas stated the resolution should state the top of the garage remain unfinished.
Mr. Kaufhold stated the proposed height is 17', not the 23'3" listed in the application.
Mr. Valentine stated the elevations should be checked before the construction starts to make sure the height is correct.
Mr. Kerr stated the property is pretty level where the garage will be built.
Mr. Shivas stated the grade must be the same all the way around the garage.
Mr. Walsh explained the façade height.
Mr. Shivas asked about gutters and stated to Mr. Kerr that he had to make sure there was no runoff onto the neighbors or the roads.
Mr. Kerr stated the garage was pretty far from the neighbors and he does not want gutters.
Mr. Shivas asked if there would be electricity.
Mr. Kerr stated yes and he would get an electrical permit later on.
Mr. McElroy asked if there would be lighting outside.
Mr. Kerr stated he would put a light on the front, the Brook Trail side.
Mr. Senesky asked if water would be supplied to the garage.
Mr. Kerr stated no.
Mr. Shivas opened the meeting to the public. No one wished to be heard and the meeting was closed to the public.

A motion was made by Mr. Valentine and seconded by Mr. Chozick to approve the variance with the condition that there is no occupied space above, there will be no water supplied to the building and the exterior has a level grade. 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	X	X
Nay											
Abstain											
Absent											

Motion carried.

Mr. Kerr initialed the application where the height was corrected from 23'3" to 17'.

BILLS:

Two bills totaling \$774.00 for Mr. Slaby were approved by all in attendance after a motion by Mr. Steyh and a second by Mr. Valentine.

Two bills totaling \$337.50 for Heyer Gruel were approved by all in attendance after a motion by Mr. Steyh and a second by Mr. Valentine.

Three bills totaling \$1207.50 for Mr. Senesky were approved by all in attendance after a motion by Mr. Steyh and a second by Mr. Chozick.

OPEN TO THE PUBLIC: No one came forward to speak and the meeting was closed to the public.

OTHER BUSINESS:

APEP Inc., 13 Rt. 206, B 27 L 381.02: New Jewelry Store replacing Italian Ice store.

A motion was made by Mr. Valentine and seconded by Mr. Kaufhold to approve a Site Plan Waiver to replace the Italian ice store with a jewelry store. Additional plans will be submitted at a later date for adding a store in the laundromat. 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	X	X
Nay											
Abstain											
Absent											

Motion carried.

Stanhope Exxon Tiger Mart, 1 Rt. 206, B 18.02 L 388: Add 2 enclosures for pre-filled propane cylinders.

A motion was made by Mr. Valentine and seconded by Mr. Kaufhold to approve a Site Plan Waiver for two enclosures for Blue Rhino pre-filled propane cylinders. They will be on the sidewalk on the north end of the building. 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	X	X
Nay											
Abstain											
Absent											

Motion carried.

ADJOURNMENT:

At 9:10 p.m. Mr. Valentine made a motion to adjourn, it was seconded by Mr. Kauffold, all were in favor and Chairman Shivas adjourned the meeting.