

**MINUTES - 8:00 P.M.**  
**May 19, 2011**  
**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	H	H	H	H	A	H	H	H	H	H	H

Township Attorney                      Kurt Senesky  
Board Secretary                              Cheryl White  
Township Planner                              Paul Gleitz

**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 5, 2011**

A motion was made by Mr. McElroy and seconded by Ms. Segal 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>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	X		X							
Absent						X					

Motion Carried

**OLD BUSINESS**

**Highlands Environmental Resource Inventory**

Tom Bordon and Eileen Swan from the Highlands Council were in attendance to address any concerns and answer any questions the Board had relative to the ERI. Eileen gave a brief summary of the importance of the ERI and explained that this document depicts natural and manmade environmental areas within Byram. Ms. Swan noted that some of the language in the ERI may be difficult to understand but noted the language is mandated by statute, by legislature and cannot be changed by the Highlands Council. She went on to say that the ERI supports the Regional Master Plan.

Mr. Bordon explained that the ERI contains mapping of zones which targets critical areas for preservation which are identified as “Special Environmental Zones”. There was discussion amongst the Board relative to the language “No development shall occur” in Special Environmental Zones and Ms. Swan noted that even though the language cannot be changed it does say exemptions apply, because it does say exemptions apply there is an opportunity for the landowner to develop, but it does require further steps. Ms. Swan noted that all land owners in that zone did received letters from the Highlands that explained the TDR Program (Transfer of Development Rights) and added there are processes in place if a land owner would take if they wanted to develop the land or if they were interested in the TDR program. Ms. Swan noted that she will provide the Board with a list of land owners in this zone.

Some concern was raised regarding the timeline process for landowners in the “Special Environmental Zones” and Mr. Bordon noted that Ms. Swan testified before the joint Senate and Environment Committee in Trenton and legislatures are now looking at the implementation of the

Act and the next steps. Sponsors of the Bill were in attendance and asked for recommendations or changes to be made, one being an amendment to the act to deal with municipal projects, currently there are no exemptions in the act for municipal projects, another may be timelines for exemptions, currently there are no timelines for landowners seeking exemptions in the “Special Environmental Zones”, currently they have to deal with what the law requires. Ms. Swan noted that these laws have been in effect since 2008 and to date they have had no major issues. Ms. Swan noted that exemptions are also statutory.

Board member Frank Gonzalez raised the question about mapping critical resources that impact Byram but are outside of the Highlands and Ms. Swan noted that the Highlands Council has not authority to show those resources on the map since they are *not* part of the Highlands but did explain that it can be done locally in Byram’s Master Plan.

Chairman Shivas opened to the public.

Jack Moran, 7 East Waterloo Road asked if the ERI puts development in “limbo” and what is the benefit of the ERI. Ms. Swan noted that 98% of Byram is in the Highlands so development is limited and the purpose of the ERI is to identify environmental resources in Byram, the benefit is availability of grant money.

Chairman closed to the public.

A motion was made by Ms. Segal and seconded by Mayor Oscovitch to adopt the ERI as an element to the Master Plan. 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					X				
Aye	X	X	X	X	X		X	X	X	X	X
Nay											
Abstain											
Absent						X					

Motion Carried

Township Manager, Joe Sabatini outlined the next steps to be taken in connection with plan conformance and discussed a check list Ordinance, tasks and associated costs.

Mr. Sabatini added we must be efficient moving forward to achieve what we need to with the funding we have available and to get familiar with the documents we will be working with in the future. Mr. Sabatini added that the towns focus now should be on the village business center and the zoning in our planning area.

**EXTENSION**

SP3-07 CVS Pharmacy – Route 206 – Block 41 Lot/s 88.01, 88.02 & 89

2, 1 year extension for site plan and variance relief to construct a building with associated improvements

A motion was made by Mr. Chozick and seconded by Mr. Walsh to approve the 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				X				X			
Absent						X					

Motion carried

**RESOLUTIONS**

2010 Open Space and Recreation Plan

A motion was made by Mr. Kaufhold and seconded by Mr. McElroy to adopt the 2010 Open Space and Recreation Plan. 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	X
Nay											
Abstain											
Absent						X					

Motion carried

Z02-2011 Waterhouse, Robert & Jacqueline Block 144 Lot 121 25 Allamuchy Trail Zone R-5 - C- Variance – Front yard setback - To construct a 2<sup>nd</sup> story addition

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

Motion carried

**PRE EXISTING NON-CONFORMING USE CERTIFICATION**

GMATT Properties, LLC (Byram Carpet) 223 Route 206 Block 212 Lot 9

Pre-existing, non-conforming use certification. A motion was made by Mr. Kaufhold and seconded by Mr. McElroy to approve the request.

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					

Motion carried.

**SITE PLAN WAIVER - Bula World Holdings, LLC 109 Route 206 Block 70 Lot 9**

Site plan waiver to construct a pergola to front of building patio entrance.

Ms. Segal noted the pergola does not intensify use or effect traffic, it is not attached, and not a permanent structure and will be built over existing concrete pad. It will offer an improvement to the ascetics of the building and made a motion to grant the waiver, the motion was seconded by Mr. Chozick. 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						X				
Aye	X	X	X	X	X		X	X	X	X	X
Nay											
Abstain											
Absent						X					

**SITE PLAN WAIVER – NEW PROCESS**

A discussion took place regarding the new process. It was decided that a letter be drafted to the Governing Body that the Planning Board feel it should be adopted. A motion was made by Mr. Kaufhold and seconded by Mr. Walsh to ask the Governing to pass the new process.

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	X
Nay											
Abstain				X			X				
Absent						X					

Motion Carried

**REPORTS FROM COMMITTEES**

Township Council

- Councilman Raffay spoke about the site plan waiver process and information distributed to the Planning Board showing that the Governing Body was favorable to the new process.

ARC

- Board member McElroy reported that the committee invited the Barone’s Architiure to attend the next meeting which was accepted.

Environmental Commission

- Nothing to report

Open Space

- Nothing to report

**OTHER BUSINESS**

It was noted that there was a minor error in the approved minutes from April 21<sup>st</sup>. A motion was made by Mr. Chozick and seconded by Mr. Walsh to approve the amended minutes. All in favor. Motion carried.

**BILLS:**

Heyer Gruel & Associates \$3,986.25 (2 Bill)

A motion was made by Mr. Chozick and seconded by Mr. Walsh to approve Mr. Gleitz’s Bills. All were in favor. Motion Carried

Schenck, Price, Smith & King LLP \$2,266.00 (8 Bill)

A motion was made by Mr. Walsh and seconded by Ms. Segal to approve Mr. Senesky’s Bills. All were in favor. Motion Carried

Chairman Shivas opened the meeting to the public.

Jack Moran, 7 East Waterloo Rd asked about the limits to the extension requests. Board Attorney, Mr. Senesky outlined the process to Mr. Moran and timelines involved.

Chairman Shivas closed the meeting to the public.

**ADJOURNMENT:**

At 10:35 PM Mr. Kaufhold made a motion to adjourn, Mr. McElroy seconded the motion. All in favor. Motion Carried

Chairman Shivas adjourned the meeting.

Respectfully submitted; *Cheryl E White*