

MINUTES - 8:00 P.M.
April 7, 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	A	H	H	H	A	H	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: March 17, 2011

A motion was made by Mr. Kaufhold and seconded by Ms. Segal 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	X	
Nay											
Abstain				X							
Absent			X				X				

Motion Carried

SITE PLAN WAIVER

Bl 225 L 15.01 - 276 Route 206 – Tenant - Stephen Chirco

Change of use from office space to service retail

A motion was made by Mr. Valentine and seconded by Mr. Kaufhold to approve the waiver with the stipulation that maximum of 8 parking spaces be used by this tenant. 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	X	X
Nay											
Abstain											
Absent			X				X				

Motion Carried

RESOLUTIONS

EBPOA (East Brookwood Property Owners Association) Bl 40 L 19 5 Brookwood Road
Construct a pump house over existing pump station.

A motion was made by Mr. Valentine and seconded by Mr. Chozick to approve the resolution. 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				

Motion Carried

SP6-09 CBS OUTDOOR, INC. (Western World, Inc.) B1 365 L 5 Route 206

1 Year extension for site plan waiver for relocation of billboard on Route 206 – A motion was made by Mr. Valentine and seconded by Mr. Chozick to approve the resolution. 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				

Motion Carried

SP7-09 CBS OUTDOOR, INC. (Raimo's Inc.) B1 35 L38.01 – Route 206

1 Year extension for site plan waiver for relocation of billboard on Route 206 – 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	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				

Motion Carried

EXTENSION

SP2-05 Gupta/Shantivan Management Bl 27 Lot/s 383 & 384 9 – 11 Route 206 VB Zone

1 year extension for preliminary and final site plan approval to construct commercial structure w/ associated improvements. A motion was made by Mr. Valentine and seconded by Mr. Chozick to approve the extension. 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				

Motion Carried

Planning Board Members Ms. Raffay and Mayor Oscovitch stepped down for the following application.

OLD BUSINESS

Z11-10 - Doerr, T. – 11 Cabin Spring Trail B332 L3.01 – carried from Feb. 17th

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

At the Feb. 17th meeting the Board instructed Mr. Doerr to provide alternative plans for a deck for the Board to review. Mr. Doerr provided 2 proposals and indicated that the “piano hinge” recommendation would not work due to the weight of the hinge. The Board did not favor Mr. Doerr’s alternative plans and Chairman Shivas suggested a “drawbridge” type construction with three (3) supports, one for each side and one in the middle and the “bridge” could be the actual railings for both decks. To summarize; the deck would be separated, have railings on all sides, with a “drawbridge” that would connect the two decks together and be capable of being lifted and locked in an upright position with proper supports. When locked in an upright position, the drawbridge would become the gate/railings where there once was a gap. The Board noted that the plan must be approved by the construction official. Township Attorney, Kurt Senesky suggested getting the construction official on board from the onset of the project.

A motion was made by Ms. Segal to approve all aspects of the application with conditions for the deck that it is a “drawbridge” type construction with proper support and Mr. Doerr must obtain approval by the construction official. The motion was seconded by Mr. Valentine. Mr. Shivas opened to the public. No one from the public came forward. 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				

Motion Carried

Mayor Oscovitch and Councilwoman Raffay rejoined the meeting.

NEW BUSINESS

Z01-11 – Wardell, J – 86 Birch Pkwy. B308 L1844

C Variance to construct canopy over existing stoop

Mrs. Wardell gave a brief description of the plans and explained to the Board how the canopy will provide protection from rain/snow and will be constructed over an existing concrete pad. There was some discussion whether the current overhang on the house extends further than the proposed canopy and it was determined that the canopy will extend further than the existing

overhang on the house. No one else from the Board had questions. Chairman Shivas opened to the public.

Sharon McCarroll, & George Wustefeld, 88 Birch Parkway came forward and were sworn in. They expressed concerns about the Wardell's parking arrangements, the Wardell's do not have off street parking and they park their vehicles on each ends of their property line which causes a safety issue when Ms. McCarroll and Mr. Wustefeld exit their driveway. Ms. McCarroll and Mr. Wustefeld presented photo, O-1, a series of four (4) photos which depicts where the Wardell's vehicles are parked and the limited site distance when exiting their driveway. Chairman Shivas stated that this is a public street and the Board cannot take action on the parking issue, this issue should be addressed with the Lake Mohawk Association or the Police Department. It was noted that Mr. & Mrs. Wardell have a driveway easement which allows access over and thru to their property.

Ms. McCarroll and Mr. Wustefeld presented photo's O2, O3, O4, & O5 which depict a discharge of water from The Wardell's drains that is being directed to Ms. McCarroll and Mr. Wustefeld's property which causes a build-up of water in their back yard. Chairman Shivas noted that the Board can make a determination on the drainage matter but the parking issue would be a civil matter. Mr. Wardell did indicate that they have made arrangements to correct the drainage issue but was waiting for winter to pass and the ground to thaw.

The Board made some minor corrections to the zoning table completed by the Wardell's which was added to their file.

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

A motion was made by Mr. Valentine and seconded by Mr. Kaufhold to approve the application with the condition the drainage issue be corrected at the time of the construction of the canopy. 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	X
Nay											
Abstain											
Absent			X				X				

Motion Carried

Andrew McElroy arrived @ 9:30PM

Z03-11 – Thomas, K. – 42 Strawberry Point Dr. B320 L14.01

C Variance to construct a 187 sq ft second story addition over existing structure with 10 x12 Deck

Ms. Thomas presented her Architect, Carl Berg and she gave a brief summary of her plans to add a second level loft type area on the existing footprint and to add a deck to the lake side of house. It was determined the deck would be 332 sq. ft., not 10X12 and will not be screened. A correction was made to the zoning table in their application. The Board discussed the number of bedrooms in the home, (which is two (2)) and the septic capacity. Ms. Thomas indicated they are having a new septic installed because of the age of the current septic but did indicate they are not adding any bedrooms, they are adding an office area. Chairman Shivas noted that when the construction permits are submitted to the construction office the building department will review the plans for height compliance, so be sure they are not over the height allowance.

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

Mr. Kaufhold raised concerns about maintaining the side of the house without going on the adjacent property. Ms. Thomas indicated if they had to do maintenance they could use scaffolding but planned on using maintenance free material.

A motion was made by Mayor Oscovitch. Planning Board Member Andrew Mc Elroy said he would like to see a deed restricting the home to two (2) bedrooms. Mayor Oscovitch agreed to

this condition and it 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										
Aye	X	X	X	X	X	X		X	X	X	
Nay											
Abstain											
Absent						X					

Motion Carried

Site Plan Waiver Process

There was a brief discussion about the draft handed out, a minor correction was made and the Board gave Mr. Senesky direction to forward to the Governing Body w/cover letter. A motion was made by Mr. Valentine and seconded by Mr. Kaufhold to send the draft. All were in favor.

REPORTS FROM COMMITTEES

Township Council –

- Councilwoman Raffay noted the event at Waterloo Village on May 14 & 15th.
- The Municipal budget was passed with a 2.3% increase on budget.
- There is a meeting with East Brookwood property owners and the NJDEP and USEPA regarding the Superfund site at 6:30PM at Town Hall.
- Eileen Swan and Tom Borden of the Highlands Council will be in attendance at the Planning Board Meeting on May 19th for the adoption of the Highlands ERI.
- Mayor Oscovitch added that Byram is a semi-finalist for the Semi future Smart Growth Award. They will be interviewed this week. This is a great award and could mean great things for Byram.
- The Trust for Public Land asked for financial support for the preservation of Francisco Farm in Andover Borough. The Council provided a letter of support since finance aid was not available.
- A Clean Streets Seminar was on March 31st. The seminar was informative. They discussed sidewalks on streets, bicycle paths and calming features for streets and how to encourage pedestrian traffic or biking.
- Meeting with the DOT and Township Manager Joe Sabatini and Mayor Oscovitch regarding the maintenance responsibility for sidewalks and drainage areas on Route 206. Byram property owners will be responsible for clearing sidewalks on their property but maintenance for the sidewalks will be handled by the State. Some other areas still in question will be discussed at a later meeting.
- Town hosted their annual Rabies Clinic on April 2nd from 9AM to 12PM for all cats and dogs.
- April 30th at 10AM there will be a tree planting ceremony for Chris Hellwig, Byram Township Planner who passed away and June Dobson, Historian here at Town Hall. Chris’s tree will be planted by the tennis court and June’s tree will be planted by the School House.

ARC

- Mr. McElroy noted the Green Element status is forthcoming. ARC will review before the Board reviews. Mr. McElroy indicated this is part of Best Practices and a Sustainability Element is required. This should be on the Agenda the beginning of May.
- ARC will be reviewing Barone’s/CVS plans at their next meeting which is April 13th and will provide a report to the Planning Board Secretary.

Environmental Commission –

- Caryn Segal noted that the EC also sent a letter of support to The Trust for Public Land for the preservation of Francisco Farm in Andover Borough.
- Members of the EC planned a visit to the Barone’s/CVS site this upcoming weekend.

Open Space –

- Caryn Segal, nothing to report. The next meeting date is April 11th

BILLS:

Heyer Gruel and Associates \$1,462.50 (3 Bills)

A motion was made by Mr. Valentine and seconded by Mr. Chozick to approve Heyer Gruel's Bills. All were in favor. Motion Carried

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

ADJOURNMENT:

At 10:25PM Mr. Valentine made a motion to adjourn, Mr. Kaufhold seconded the motion.

All in favor. Motion Carried

Chairman Shivas adjourned the meeting.

Respectfully submitted; *Cheryl E White*