

MEETING MINUTES
BYRAM TOWNSHIP PLANNING BOARD MEETING
OCTOBER 20, 2016

CALL TO ORDER

Vice-Chairman Walsh called the meeting to order at 8:00 p.m.

ROLL CALL

	Mr. Riley	Mr. Morytko	Mr. Chozick	Ms. Raffay	Mr. Kaufhold	Ms. Segal	Mr. Walsh	Mr. Gonzalez	Ms. Shimamoto	Chairman Shivas
HERE	H		H	H	H	H	H	H	H	
ABSENT										
EXCUSED		EA								EA
LATE										

Also present: Engineer Cory Stoner
 Attorney Kurt Senesky
 Secretary Cheryl White

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 Meetings Act.

FLAG SALUTE led by Vice-Chairman Walsh

MINUTES

Approval of the Oct. 6, 2016 Meeting Minutes

The Board had no discussion. A motion was made by Mr. Kaufhold, and seconded by Ms. Segal to approve the minutes as written. The following vote was taken:

	Mr. Riley	Mr. Morytko	Mr. Chozick	Ms. Raffay	Mr. Kaufhold	Ms. Segal	Mr. Walsh	Mr. Gonzalez	Ms. Shimamoto	Chairman Shivas
Motion					√					
Seconded						√				
Aye			√		√	√	√		√	
Nay										
Abstain	√			√				√		
Absent		√								√

Motion carried.

COMPLETENESS

Cartridge Actuated Devices, Block 362 Lot 4 and Block 226 Lot 8.01, R-1 Zone

Use variance to remove a partially destroyed building, office trailer and shed, to be replaced with a 1,685 sq. ft building with associated improvements.

The Subcommittee reviewed the material submitted, and the engineering report and found the application to be complete. At the request of the applicant, the hearing was scheduled for this evening, Oct. 20, 2016.

A motion was made by Ms. Segal, the motion was seconded by Mr. Kaufhold. The following vote was taken:

	Mr. Riley	Mr. Morytko	Mr. Chozick	Ms. Raffay	Mr. Kaufhold	Ms. Segal	Mr. Walsh	Mr. Gonzalez	Ms. Shimamoto	Chairman Shivas
Motion						√				
Seconded					√					
Aye			√		√	√	√	√	√	
Nay										
Abstain	√			√						
Absent		√								√

Motion carried.

RESOLUTIONS

WOSP5-16- Gordon Byram Associates, LLC., 90 Route 206, Block 226 Lot 14, V-B Zone

Amended site plan to re-stripe and modify parking spaces.

A motion was made by Mr. Kaufhold, the motion was seconded by Ms. Segal to approve the resolution as written. The following vote was taken:

	Mr. Riley	Mr. Morytko	Mr. Chozick	Ms. Raffay	Mr. Kaufhold	Ms. Segal	Mr. Walsh	Mr. Gonzalez	Ms. Shimamoto	Chairman Shivas
Motion					√					
Seconded						√				
Aye			√		√	√	√			
Nay										
Abstain									√	
Absent		√								√

Motion carried.

Z09-2015, Antonio and Josephine DiMartino, 42 Brookwood Road, Block 365.03 Lot 13, R-3 Zone

One year extension of approval for to leave standing a pre-existing shed

A motion was made by Ms. Segal and seconded by Mr. Kaufhold to approve the resolution as written:

The following vote was taken:

	Mr. Riley	Mr. Morytko	Mr. Chozick	Ms. Raffay	Mr. Kaufhold	Ms. Segal	Mr. Walsh	Mr. Gonzalez	Ms. Shimamoto	Chairman Shivas
Motion						√				
Seconded					√					
Aye			√		√	√	√		√	
Nay										
Abstain										
Absent		√								√

Motion carried.

NEW BUSINESS

Z08-2016, William O'Rourke, Block 241 Lot 478, 36 Reis Avenue, R5 Zone

Extend a deck across the front of the house, right side variance required.

Mr. O'Rourke, owner, and friend Charles Meyer, were sworn in and said they enlarged the front deck across the front of the house not knowing a permit was required and after speaking with the zoning officer it was determined the applicant needed relief from a right side yard setback whereas 15' is required and 3.9' is proposed. Mr. O'Rourke said the deck will extend across the front of the house with a small platform leading to stairs. It was noted that the platform was not included in the front yard setback calculation, and although a front yard variance is not required, the zoning table in his application was corrected to reflect 36' existing as opposed to 39' existing. Mr. O'Rourke said the original deck was unsafe and needed repair. He added his neighbors are happy with the project and had no objections to the deck extension.

Vice-Chair Walsh opened this application to the public. The public had no comment. Vice-Chair Walsh closed to the public. The Board had no further questions.

A motion was made by Mr. Chozick, the motion was seconded by Ms. Segal. The following vote was taken:

	Mr. Riley	Mr. Morytko	Mr. Chozick	Ms. Raffay	Mr. Kaufhold	Ms. Segal	Mr. Walsh	Mr. Gonzalez	Ms. Shimamoto	Chairman Shivas
Motion			√							
Seconded						√				
Aye	√		√	√	√	√	√	√	√	
Nay										
Abstain										
Absent		√								√

Motion carried.

Z06-2016, Jose Goncalves, Carpenter Road, Block 238 Lot 508, R-3 Zone, (carried from Sept. 15 2016)

Variance for front yard setback, building height, and disturbance of steep slopes to construct a new single family dwelling.

Attorney for the applicant Patrick Dwyer, from Nusbaum, Stein, Goldstein, Bronstein & Kron, introduced owner Jose Goncalves, and his engineer, James Glasson, who were sworn in. Mr. Glasson has appeared before the Board previously and the Board accepts him as an expert in his field.

Mr. Glasson presented sheet 2 of 3, "Existing Conditions" of the submitted plan with minor differences, marked Exhibit A1. Mr. Glasson described the lot, road frontage, grade of the property, and the surrounding area saying that Carpenter Road is a gravel road, maintained by the Township, and said the applicant's lot is at the end of Carpenter Rd. He added that Carpenter Rd has a 35' R.O.W.

Mr. Glasson said that the crossed-hatched area on the plan is the area the owner filled when his septic permit was obtained and prior to Mr. Glasson's involvement. He said he filled an area of about 8,900 sq. ft., comprised of extreme slopes to be used for a septic system which made it difficult for Mr. Glasson to recreate the original contours on the property.

Mr. Glasson presented Exhibit A2, colorized version of sheet 3 of 3 of the submitted plan saying that the home will be a two story, four bedroom home, with access off of Carpenter Rd. by a 145' driveway. The home will have a walkout basement due to topography, which from the rear is a three story home, which requires a variance as well as the height. Mr. Glasson explained why the house cannot be pushed further back in the lot because of slopes on the property. He said zoning requires a 75' front yard setback, and since the R.O.W. is deficient by 10' the requirement would be an 80' front yard setback. The applicant proposes a 50.3' front yard setback, which requires a variance. He added that since the disturbance is limited, because of the Highlands, the further the house is pushed back; the more disturbances are required, which would exceed the amount of disturbance allowed. Mr. Glasson said Mr. Goncalves has received approval from the Sussex County Division of Health for a standard septic system with a gravity fed, 1,500 gallon tank. He explained that a height variance, 30' is allowed, 31' is proposed, and number of stories variance, where 2.5 stories are permitted and 3 stories are proposed, which is mainly caused due to topography. Mr. Glasson added that an additional of 350' of disturbance will occur. The total disturbance of steep slope is 9,224'.

Ms. Raffay asked Mr. Glasson about the area of disturbance, and if that was the only location for a septic. Mr. Glasson said yes, that was the best area. Ms. Raffay asked if the disturbance would have been avoided if Mr. Goncalves involved the engineer. Mr. Glasson said if applicant came to him prior to filling the slopes on his property he would have had him change the size of his home, which would have reduced the amount of disturbance, but you could not avoid any disturbance. Ms. Raffay asked Mr. Goncalves what, and where the fill was brought from. Mr. Goncalves said he is a road contractor and uses the fill from excavating roads. Ms. Segal asked if there was a chain of custody documentation, the applicant said no. Mr. Goncalves said the majority of the fill came from Rt. 181 in Sparta, and Sparta Avenue. He said the soil he removes he takes to a plant in Andover where it is cleaned, and that is what he used on the site.

Mr. Stoner reviewed his Sept. 6, 2016 report reviewing the required variances. Mr. Stoner added that as part of the developer's agreement, and since Carpenter Rd. is only 30' wide the Township required a 10' strip along Carpenter Road be dedicated to the Township in the event the road was improved, so a 10' dedication will be required. Mr. Stoner noted that because of the easement the front yard setback would be 40.3' vs. 50.3. He added that the developer's agreement states if the road is improved, the cost will be shared by residents of Carpenter Road. Mr. Stoner said the police and fire did review the application and found no issues. Mr. Stoner noted that the retaining wall proposed in the rear, if they are over 4' must be engineered. Mr. Stoner said the plans should include details on the plans for the dry wells. Mr. Glasson said they have Sussex County Division of Health approval for a four bedroom septic and Sussex County Soil Conservation District approval.

Ms. Raffay has concerns about the condition of Carpenter Road was left after Mr. Goncalves had many truck FILL deliveries, and since Mr. Goncalves anticipates more deliveries she would like a condition that the applicant restore the road to its original condition prior to the issuance of a Certificate of Occupancy, and to the Board's engineer's satisfaction. After Board discussion it was determined that a condition of approval that if damage occurs the roadway be restored at Mr. Goncalves expense to the conditions prior to construction. The applicant agreed.

Mr. Dwyer introduced Mr. Schaeffer, Architect who was sworn in. Mr. Schaeffer said the house exterior will be stucco, stone and vinyl siding with a two car garage with access to the left side. He said there are no neighbors to the rear of the house with a full, unfinished basement. He added the room over the garage will not be finished. The Board discussed the number of proposed bedrooms and potential rooms that could be bedrooms. The Board discussed if a deed restriction of no more than four bedrooms be a condition of approval. The applicant agreed.

Ms. Shimamoto asked about landscaping. Mr. Glasson said some plantings will be added to the sides only and a swale in the front to help with runoff, but mostly grass is proposed. Mr. Glasson said the property is mostly wooded so runoff will not be an issue.

The Board had no more questions.

Mr. Walsh reviewed the required variances, number of stories, front yard setback and steep slope disturbance. Mr. Senesky added the planning variance.

Vice-Chair Walsh opened to the public. No one from the public came forward. Vice-Chair Walsh closed to the public.

A motion was made by Mr. Riley, the motion was seconded by Mr. Chozick to approved the application with the conditions a 10' dedication be required, the plans be updated to include dry well information, and a deed restricting the home to four bedrooms be required. The following vote was taken:

	Mr. Riley	Mr. Morytko	Mr. Chozick	Ms. Raffay	Mr. Kaufhold	Ms. Segal	Mr. Walsh	Mr. Gonzalez	Ms. Shimamoto	Chairman Shivas
Motion	√									
Seconded			√							
Aye	√		√	√		√	√	√	√	
Nay					√					
Abstain										
Absent		√								√

Motion carried.

Cartridge Actuated Devices, Block 362 Lot 4 and Block 226 Lot 8.01, R-1 Zone

Mr. Riley and Ms. Raffay stepped down for this application.

Use variance to remove a partially destroyed building, office trailer and shed, and replace with a 1, 685 sq. ft. building.

Mr. Rob Greenbaum, Attorney for the applicant began by saying this application is for the expansion of pre-existing, non-conforming use and that at a previous meeting it was determined that all buildings on this site are to be considered accessory structures. He introduced Mr. James Glasson, Civil Engineering who was sworn in and has provided testimony before this Board previously, and the Board accepts him as an expert in his field.

Mr. Greenbaum says the applicant proposed to remove the remainder of Building #19 along with a sidewalk and landing connected to the building. Removal of shed #17, and an office trailer #20 and construct a 1,685 sq. ft. building.

Mr. Glasson presented Exhibit A1, which is a color version of sheet 2 of 6 describing the property and talked about the recently approved and completed work. Mr. Glasson presented Exhibit A2, sheets 3 of 6 and reviewed Building 19, which is a testing building and said that on June 7th it was destroyed by fire, and they propose to replace the destroyed building with a 1,685 sq' ft' structure, to include a bathroom. He added that they received approval for a new septic system from the Sussex County Division of Health prior to the fire but since they want a bathroom in Building #19 they propose moving the bathroom from Building #13, which is a 1,925 sq. ft., two story building, and using the septic for that building for Building #19. He said the application to update the septic approval is under review at the SCDH. They do not anticipate a problem since the system is designed to handle more than the flow needed. He added that Buildings #5, #11 and #12 will also have bathrooms. Mr. Walsh said a condition in the resolution should be that approval from the SCDH be provided.

Vice-Chair Walsh opened to the public for questions for Mr. Glasson. No one from the pubic came forward. Vice-Chair Walsh closed to the public.

Mr. Greenbaum introduced Mr. John Grant, a principle of C.A.D. Mr. Grant said that building is an essential part of their operation, which is used for testing devices. He gave a brief summary of various testing done in the building, and said the new building will have a state of the art fire suppression system and will be much safer adding that the cause of the fire was not due to the work operations but perhaps an electrical short in the air condition unit. Vice-Chair Walsh opened to the public for questions for Mr. Grant. No one from the pubic came forward. Vice-Chair Walsh closed to the public.

Mr. Stoner reviewed his report and noted that Mr. Glasson should update the plan with the total square footage of accessory structures on the property. Ms. Shimamoto mentioned the Environmental Commission comment regarding fertilizer used and Mr. Glasson said the SCSCD uses standard notes and the code is incorrect.

Mr. Greenbaum introduced Mr. Mike Moschella from Design One who provided his education and experience and the Board accepts him as an expert in his field. Mr. Moschella was sworn in. Mr. Moschella reviewed PA1, of the submitted plan saying that the first floor will have an exterior of concrete block, wood, and vinyl with a vestibule over the door and the interior will be framed walls. Mr. Moschella reviewed PA2 of the submitted plan saying that building will have garage doors on each side which can be opened in good weather for ventilation, not for vehicle use. The building and bathroom will be ADA compliant. The Board had no further questions.

Vice-Chair Walsh opened to the public. No one from the pubic came forward. Vice-Chair Walsh closed to the public.

Ms. Shimamoto asked about signage. Mr. Grant said only essential signs required by the Bureau of Alcohol, Tobacco, Firearms and Explosives and the Department of Defense, which will describe the contents of each building for emergency responders.

Ms. Jessica Caldwell, for J. Caldwell & Assoc. LLC, Principle Planner was sworn in and has provided testimony for the Board previously, and the Board accepts her as an expert in her field. Ms. Caldwell talked about the required variances; a front yard setback and to exceed maximum size of accessory structure permitted, and a D2 variance, expansion of a non-conforming use. Ms. Caldwell said this is pre-existing and this business has been there for over fifty years. She said the site is large, wooded site, and not near development. Ms. Caldwell presented the positive and negative criteria saying that this use is essential, and the property lends itself to the purpose. As far as the negative criteria it is not a deterrent to the public good or zone plan, and that the use has been in existence for fifty years, it is in close proximity to a quarry, and does not negatively impact surrounding neighbors. Ms. Caldwell concluded by saying that benefits to the community outweigh any substantial deterrent to the public good.

Vice-Chair Walsh opened to the public for question for Ms. Caldwell. No one from the pubic came forward. Vice-Chair Walsh closed to the public. The Board had no further questions.

Mr. Glasson said he change the cover sheet with the correct square footage.

A motion was made by Mr. Chozick with the condition the plan be updated, and an updated septic approval be provided. The motion was seconded by Ms. Segal. The following vote was taken:

	Mr. Riley	Mr. Morytko	Mr. Chozick	Ms. Raffay	Mr. Kaufhold	Ms. Segal	Mr. Walsh	Mr. Gonzalez	Ms. Shimamoto	Chairman Shivas
Motion			√							
Seconded						√				
Aye			√		√	√	√	√	√	
Nay										
Abstain										
Absent		√								√

Motion carried.

ITEMS FOR DISCUSSION

There were no Board items to discuss

REPORTS FROM COMMITTEES

- Township Council – No representative present
- Environmental Commission – Meeting next week.
- Architectural Review Committee -
- Open Space
- Board of Health

PUBLIC COMMENT

Vice-Chairman Walsh opened to the public. No one from the public came forward. Vice-Chairman Walsh closed to the public.

BILLS

L&G Planning (3 bills) \$3,240.00

A motion was made by Mr. Chozick, the motion was seconded by Mr. Kaufhold to approve Mr. Gleitz's bills. All were in favor. Motion carried.

Schenck, Price, Smith & King, LLP (3 bills) \$1,365.00

A motion was made by Mr. Chozick, the motion was seconded by Ms. Segal to approve Mr. Senesky's bills. All were in favor. Motion carried.

Vice-Chairman Walsh opened to the public. No one from the public came forward. Vice-Chairman Walsh closed to the public.

ADJOURNMENT

A motion to adjourn the meeting was made at 10:30 p.m. by Ms. Segal, and seconded by Mr. Chozick. All were in favor. Motion carried. The meeting was adjourned.

Respectfully submitted: *Cheryl White*