

MEETING MINUTES
BYRAM TOWNSHIP PLANNING BOARD MEETING
FEBRUARY 18, 2016

CALL TO ORDER

Chairman Shivas 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	H	H
ABSENT										
EXCUSED										
LATE										

Also present: 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 Meetings Act.

FLAG SALUTE led by Chairman Shivas

MINUTES

Approval of the January 21, 2016 Meeting Minutes

A motion was made by Mr. Chozick and seconded by Mr. Kaufhold to approve the minutes with a minor correction. 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, Inc., 40 Old Indian Spring Rd., Block 362 Lot 4, and Block 226 Lot 8.01, R-1 Zone

Amended site plan and use variance to intensify a pre-existing use to enlarge an already existing accessory structure, add two new accessory structures, install a septic system and other associated improvements.

The Completeness Committee reviewed the application and submitted material, along with Mr. Stoner's report and found the application complete however the applicant must provide fire protection details, retaining wall details and all elevation should be provided on the plans, and all items in Mr. Stoner's report should be addressed.

A motion was made by Ms. Segal, the motion was seconded by Mr. Walsh, and 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

Brian Church, 4 Raccoon Trail, Block 317 Lot 20.01, R-5 Zone

Lot line adjustment and variance relief for pre-existing carport, two sheds and two decks.

The Board reviewed the resolution and Mr. Walsh noted that on page four, number six should include "shed 1". Mr. Senesky will make that correction. A motion was made by Mr. Morytko, the motion was seconded by Mr. Riley to approve the resolution. 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.

Rita Mollinary, 46 Lackawanna Drive, Block 365 Lot 11, R-3 Zone

Appeal of the Zoning Officer's decision regarding Home Occupation, Ordinance 240-21.1A (5)

A motion was made by Mr. Kaufhold, the motion was seconded by Mr. Chozick to approve the resolution as presented. 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.

EXTENSION OF MINOR SUBDIVISION APPROVAL – N.J.S.A. 40:55D-47

Lake Mohawk Pool & Spa, Block 293.02 Lot 8.03 and 9.01, Marine Terrace, R-5 Zone

Lake Mohawk Pool and Spa requested a six month extension because of circumstances outside of LMSP control they have not been able to perfect the minor subdivision/lot line adjustment which was memorialized on August 6, 2015 meeting.

The Board reviewed the request and a motion was made by Mr. Morytko to grant the extension. The motion was seconded by Mr. Walsh. 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.

REPORTS FROM COMMITTEES

- Township Council – Ms. Raffay said on March 3, Paul Gleitz will be present at the Planning Board meeting for a final review of the Byram Township Fair Share Housing Plan, and that on March 17, 2016 a public hearing will be held. The Council will have a special meeting on March 22, 2016 to adopt the plan so that we can meet the April 4, 2016 due date. Ms. Raffay corrected what she said at a previous meeting regarding the Council adoption of amendments to Zoning Chapter 240 saying that the second reading was held on Feb. 16, and she previously reported that it had passed.
- Environmental Commission - Ms. Shimamoto said the members reviewed the Wustefeld application and noted that a recommendation will be made for a vegetative buffer along the shore line. Ms. Shimamoto asked the Board if there are any EC ordinances that the Board would like the EC to look at. Currently the EC is working on the soil importation ordinance and they are currently looking at the steep slope ordinance. Chairman Shivas said if anyone had anything to let Ms. Shimamoto know.
- Architectural Review Committee – No meeting held.
- Open Space – Mr. Morytko said Byram has renewed its professional relationship with The Land Conservancy (TLC) for open space with a six month contract rather than a full year. They are evaluating Byram’s future needs in terms of professional support, and if TLC is the best fit for those needs. Mr. Morytko added that the state has taken back approximately \$170,000 in PIG (Planning Incentive Grant) money that was designated for Byram but never used but said the Township still has a considerable amount of money available that is earmarked for the town. He said that this does not preclude us from requesting additional dollars if an acquisition project merits it. He said the Township is expecting to close on a new property acquisition in the coming months and will report final details when that is finalized and they OS Committee is reviewing a potential new acquisition target but is in the early stages. Board of Health – Ms. Segal said the Rabies Clinic is on April 9 and they are looking for volunteers.

BYRAM TOWNSHIP FAIR SHARE HOUSING PLAN UPDATE

Chairman Shivas said the next two meetings the Board will discuss the Fair Share Housing Plan. The draft plan was distributed for review prior to the March 3, 2016 workshop.

DISCUSSION ITEMS

- *Construction Department permits reviewed by the County Division of Health -* Chairman Shivas explained that the new construction official sends all permit applications to the County Division of Environmental Services for review prior to the issuance of a permit. There was a lengthy discussion about this and some members of the Board felt this was excessive. Chairman Shivas explained that this is the process he follows and the Board has no control over the construction department. After further discussion it was the consensus of the Board to operate as they have and in the future have the construction official attend a meeting for further discussion.
- *Future resolutions should state “Subject to Division of Health Approval” –* Some Board members felt that if the construction official sends permit applications to the Division of Health why state it in the resolution. Chairman Shivas explained that he believed having that in the resolution helps the applicant. Mr. Senesky agreed.

- *Identify in resolution the required approvals -*
Some Board members believed that this was unnecessary. Chairman Shivas explained that it was a request of the zoning officer that this be done. Mr. Senesky said that if the Board is aware of specific approvals, it will be outlined in the resolution but he will continue to keep general language for any/all approvals.
- *Alteration vs. new construction*
The Board had a lengthy discussion about this, and Board members agreed the way the Board currently handles applications for additions is not the best approach. Most Board members agreed that many of these questions should be addressed prior to a Planning Board meeting. Chairman Shivas said that does happen today but often times things occur after approval is given. The Board decided to table this discussion and invite the construction official to a meeting.
- *Accessory structures and buildings -*
The Board decided to table this discussion.

PUBLIC COMMENT

Chairman Shivas opened to the public.

Mike Soccio, 137 Lackawanna Drive, has concerns because a neighbor has constructed a large skateboard ramp in their yard and Mr. Soccio believes the structure does not meet the required setbacks. Mr. Soccio said he wrote a letter to the Township Manager and Zoning Officer and there has been no response. Mr. Soccio said the noise the ramp creates is loud and often is used after eleven p.m.. He wants to know why this is not being enforced. Mr. Senesky said that the Township is currently reviewing the accessory structure ordinance and making some changes. Mr. Soccio asked if that meant nothing could be done. Chairman Shivas said once work on the accessory structure ordinance is complete the matter will be addressed.

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

BILLS

Harold Pellow & Associates, Inc. (4 bills) \$4,985.40

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

Vogel, Chait, Collins, and Schneider (1 bill) (\$440.00

A motion was made by Mr. Kaufhold the motion was seconded by Mr. Walsh to approve Mr. Molica's bill. All were in favor. Motion carried.

Schenck, Price, Smith & King, LLP (3 bills) \$825.00

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

ADJOURNMENT

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

Respectfully submitted: *Cheryl White*