

**MEETING MINUTES
BYRAM TOWNSHIP PLANNING BOARD
FEBRUARY 21, 2019**

CALL TO ORDER

Chairman Shivas called the meeting to order at 7:30 p.m.

ROLL CALL

	Mr. Chozick	Mr. Dixon	Mr. Gonzalez	Ms. Raffay	Mr. Kaufhold	Mr. Morytko	Mr. Olson	Mayor Rubenstein	Ms. Shimamoto	Mr. Walsh	Chairman Shivas
HERE		H			H	H			H	H	H
ABSENT											
EXCUSED	EA		EA	EA			EA	EA			
LATE											

Also present: Attorney, Kurt Senesky
Engineer, Cory Stoner
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 Chairman Shivas

MINUTES

Approval of the February 7, 2019 Meeting Minutes.

A motion was made by Mr. Kaufhold to approve the minutes as written. The motion was seconded by Mr. Morytko.

The following vote was taken:

	Mr. Chozick	Mr. Dixon	Mr. Gonzalez	Ms. Raffay	Mr. Kaufhold	Mr. Morytko	Mr. Olson	Mayor Rubenstein	Ms. Shimamoto	Mr. Walsh	Chairman Shivas
MOTION					√						
SECONDED						√					
AYE		√			√	√			√	√	√
NAY											
ABSTAIN											
ABSENT	√		√	√			√	√			

Motion carried.

NEW BUSINESS

Samuel and Rebecca Pruitt, 10 Rosemarie Lane, Block 360 Lot 17, R-4 Zone

To re-build a single-family dwelling requiring variances.

Mr. Senesky advised Mr. Pruitt that this application is considered a d variance which requires five affirmative votes and only six members are present this evening. He said Mr. Pruitt can choose to have this application heard this evening and take at a vote at a future meeting when seven members are present or present his application and vote tonight. Mr. Pruitt decided to continue and vote this evening.

Mr. Samuel Pruitt, owner and applicant, and Mr. Jeffrey Careaga, from Careaga Engineering were both sworn in. Mr. Careaga has provided testimony before the Board previously, and the Board recognizes him as an expert in his field.

Mr. Pruitt began by saying that in June 2018 their home was destroyed by fire and they wish to rebuild a 5,300 sq. ft. dwelling in relatively the same footprint except for expanding the dwelling 16' towards the roadway. The Pruitt's propose a 3 bedroom, 3 ½ story home with a finished attic, a 388 sq. ft. deck in the rear with a patio underneath to be accessed by a walk-out basement. In addition, they propose a 10' X 20' shed in the front yard. Chairman Shivas asked if the shed was shown on the plans. Mr. Careaga reviewed Sheet 2 of 4 of the submitted plan titled "*Existing Conditions and Steep Slope Plan*" that shows the existing 10' X 10' shed, saying that the new shed, shown on sheet 3 of 4, of the submitted plan titled "*Site Plan, Grading Plan, Utility Plan & Details*" depicts the proposed shed in about the same area but pushed further from the side yard property line negating the need for side yard variance. However, a variance for an accessory structure in the front yard is required. Mr. Careaga said because of the configuration of the driveway and no room in the rear yard, this is the best location for the shed, adding that the shed will be used for lawn and garden equipment. Mr. Careaga noted that there is a pre-existing, nonconforming shed located five feet from the water's edge that is used to store items for water activities. Chairman Shivas said because this shed is close to the water, and to avoid any contamination or spills he would like a condition in the resolution that fuel cannot be stored in this shed.

Mr. Careaga reviewed sheet 3 of 4 of the submitted plan saying that a new advanced treatment septic system was approved in December 2018 for a three-bedroom home and will be located under the gravel driveway. A drywell is proposed to control stormwater runoff, and water is provided by a private well which sits in an existing non-conforming well house in the front yard.

Mr. Careaga reviewed the required variances, and waivers and pre-existing non-conformities associated with this project:

Variances:

- Accessory Structure in the front yard (shed).
- Minimum side yard setback for the principal structure, 15 ft. is required, 8.6 ft. is proposed.
- To exceed maximum building height permitted., 25 ft. is permitted, 28.3 ft. proposed.
- To exceed number of stories allowed, 2.5 stories permitted, and 3.5 stories are proposed.
- Setback to a body of water (deck), 50 ft. is required, 46.5 ft. is proposed.

Waivers:

- Waiver for an Environmental Impact Statement was granted.
- A waiver for a landscape plan was granted, however a lake front vegetative buffer was required by ordinance and the applicant's plan was submitted and approved by the Board planner.

Existing, nonconformities are:

- Minimum lot area
- Minimum lot width
- Minimum side yard setback
- Maximum lot disturbance
- Minimum accessory side yard setback (well house and existing shed near lake).

Mr. Careaga said the house to the right is similar in size, and the proposed dwelling is consistent with the character of the neighborhood and will not impact the lake view for neighbors. The façade will be a soft yellow vinyl with light blue shutters. The proposed shed will match the house. Mr. Careaga added that because of the topography of the land and the walk out basement the house appears higher but essentially, it is not much higher than the original home. He did say that with the addition of the walk-out basement door the house appears to be 3 ½ stories from the lake’s view. Mr. Pruitt said this house is about 1.5’ higher than the original home.

Mr. Stoner reviewed his report saying that the house is on an unimproved road with an easement across the front of the Pruitt’s property and said since this is pre-existing condition Mr. Stone believes a variance will not be required. Mr. Senesky asked how Rosemarie Lane is maintained. Mr. Pruitt said that he believed the township maintained the road. Mr. Stoner said on the plan the gravel drive encroaches on Lot 16. Mr. Careaga said the he will revise the plan to fix that. Mr. Stoner said his height calculation differed from Mr. Careaga however Mr. Careaga said he agreed with Cory’s report, and the building height should be 28.3 feet, not 27.9 feet. Lastly, Mr. Stoner said this proposed development is eligible for a Highlands Exemption #4 which was issued on January 24, 2019.

Chairman Shivas asked if the applicant would consider lowering the peak 1.5 ft. Mr. Careaga said the height can be lowered without affecting the needed storage area, but it will not negate the need for a variance. The applicant agreed to lower the height and the new height calculation would be 27.6’. Mr. Careaga reiterated, the home looks larger because the slope of the land.

Mr. Stoner asked if Mr. Pruitt was installing a generator. Mr. Pruitt said he would like to. There was Board discussion and it was determined that the generator, AC Unit or any other utility/accessory that the applicant wants but is not shown on the plans that a revised plan be submitted showing the locations of the accessories which must be approved to the satisfaction of the Board engineer or the applicant must return to the Board.

Chairman Shivas reviewed the conditions imposed:

- New shed not to exceed 15’ in height.
- The house shall not exceed three bedrooms.
- Gravel driveway encroachment shown on the plans on Lot 16 be removed.
- No fuels are to be stored in the shed nearest the lake.
- Any addition of utilities/accessories the plan must be revised, and the location must be approved to the satisfaction of the Board engineer.

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

A motion was made by Mr. Walsh to approve the application with the conditions discussed. The motion was seconded by Ms. Shimamoto. The following vote was taken:

	Mr. Chozick	Mr. Dixon	Mr. Gonzalez	Ms. Raffay	Mr. Kaufhold	Mr. Morytko	Mr. Olson	Mayor Rubenstein	Ms. Shimamoto	Mr. Walsh	Chairman Shivas
MOTION										√	
SECONDED									√		
AYE		√			√	√			√	√	√
NAY											
ABSTAIN											
ABSENT	√		√	√			√	√			

Motion carried.

REPORTS FROM COMMITTEES

Township Council – No representative was present.

Environmental Commission – Ms. Shimamoto said they have a meeting on Feb. 28, 2019.

Architectural Review Committee – No meeting was held.

Open Space – Mr. Morytko said the Council approved \$23,000 for the forestry projects to fund addressing invasive species, such as Ash Tree locations. Also, on March 12, 2019 there will be a public meeting at 7:00 p.m. relating to the Open Space and Recreation grant of \$80,000. This is the first of several sessions and will provide the public an opportunity for comment.

BILLS

Schenck, Price, Smith & King, LLP (4 bills) \$1,561.50

A motion to approve Mr. Senesky’s bills was made by Mr. Walsh. The motion was seconded by Mr. Morytko. All were in favor. Motion carried.

Lawrence Wiener, Esq. (1 bill) \$225.00

A motion to approve Mr. Wiener bills was made by Mr. Morytko. The motion was seconded by Mr. Kaufhold. All were in favor. Motion carried.

PUBLIC COMMENT

Chairman Shivas opened to the public.

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

ADJOURNMENT

A motion to adjourn the meeting was made at 8:45 p.m. by Ms. Shimamoto. The motion was seconded by Mr. Kaufhold. All were in favor. Motion carried. The meeting was adjourned.

Respectfully submitted, Cheryl White