

**MEETING MINUTES**  
**BYRAM TOWNSHIP PLANNING BOARD MEETING**  
**MARCH 19, 2015**

**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	Mr. Valentine	Ms. Segal	Mr. Walsh	Mr. Gonzalez	Ms. Shimamoto	Chairman Shivas
HERE				√			√	√	√	√	√
ABSENT											
EXCUSED	√	√	√			√					
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

**MEETING MINUTES FEBRUARY 19, 2015**

A motion was made by Ms. Segal and seconded by Mr. Walsh to approve the minutes as written. The following vote was taken:

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

Motion carried

**RESOLUTION**

WOSP3-2015, Byram Dental Care, 90 Route 206, Block 226 Lot 14, VB-Zone  
 Service establishment to a professional office.

A motion was made by Ms. Segal and seconded by Mr. Walsh to approve the resolution as presented. The following vote was taken:

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

Motion carried.

Mr. Kaufhold arrived at the meeting at 8:15p.m.

**OLD BUSINESS**

Mr. Walsh stepped down for this application.  
Z11-2014, Walter Edwards, 19 Meteor Tr., Block 164 Lot 19, R-5 Zone

Variance for two front yard setbacks, a side yard setback, and a setback to a body of water to construct an addition to a single family dwelling, and to add two decks. (Carried from March. 19)

Mr. Edwards who was previously sworn in spoke about the March 4 letter from the DEP and said that he met with Mr. Callanan the DEP representative to discuss actions he can take to remediate the unauthorized activities mention in the letter. Mr. Senesky asked if Mr. Edwards understood the comment in the DEP letter about stabilizing the soil with seed and hay; Mr. Senesky clarified that the DEP's method of stabilization using grass is to stabilize the soil during construction; however Byram Township's ordinance calls for a vegetative buffer, which excludes grass, which Mr. Edwards must comply with. After Board discussion the Board agreed that before a certificate of approval is issued a letter from the DEP must be provided stating that the issues outlined in the letter have been corrected.

Mr. Edwards said that he reduced the size of the deck facing the lake by four feet leaving a twelve foot deck with a three foot overhang. Mr. Stoner said that Mr. Edwards addressed all comments in his report dated March 18, 2015, adding that Mr. Edwards did meet the height requirement, however a variance for 3 ½ stories would be required. Mr. Stoner also said that Mr. Edwards moved the deck footings back so that he meets the twenty-five foot DEP setback. Mr. Edwards added that Mr. Callanan showed him where to measure from the water edge.

Ms. Raffay asked if Mr. Edwards would consider reducing the height of the structure. Mr. Edwards said he will ensure the height will not be over 29'. The Board advised Mr. Edwards that the Board always includes a condition that during construction the height must be verified by the engineer. Ms. Raffay believes there is too much roof, the house is too large for the neighborhood, and doesn't fit the character of surrounding homes and she would like to see the size reduced. Ms. Shimamoto shared Ms. Raffay's opinion. Mr. Edwards believes he's not asking for too much and added it is a small 20 x 24 addition. He said he'll agree to lower the pitch but that will not change the number of stories.

Mr. Gonzalez asked Mr. Edwards if he would consider reducing or removing the deck on the right side of the house which would eliminate the need for a variance. Mr. Edwards said that is the only part of his property that has privacy and added that the deck allows for easy accessibility from his property and makes the appearance of the house aesthetically pleasing. He added that the neighbor on the right side did not object to the deck.

Chairman Shivas opened to the public.

Mr. Paul Tracy, Treasurer of the Cranberry Lake Community Club, and the custodian of the trails said that the club would like as a condition of approval the access trail, which was disturbed during the construction of Mr. Edwards septic be restored to its original condition. Mr. Tracy presented photos marked as Exhibit A1 which depicts the trail after disturbance and Exhibit A2 which depicts the trail prior to disturbance. After Board discussion Mr. Edwards agreed that as a condition of approval a letter from the CLCC must be provided indicating that the trail has been restored to the club's satisfaction.

Ms. Raffay said that Meteor Trail is a small road and there is a history of people blocking the street so Mr. Edwards would have to ensure safe passage at all times. Mr. Edwards said that he has more parking available to him than most residents on Meteor Tr. and he agreed to keep the street clear at all times.

Some Board members express concern about the number of stories and the size of the deck. Ms. Shimamoto asked Mr. Edwards if he would consider changing the design and perhaps adding dormers instead of another floor to the house, which would eliminate a variance for 3 ½ stories but provide as much if not more square footage to the home.

Mr. Senesky said that since many members of the Board were not present Mr. Edwards could ask to carry the application when more members are present. Mr. Edwards agreed to carry the application to April 2, 2015.

A motion was made by Ms. Segal to carry the application to April 2 with no further notice. The motion was seconded by Ms. Shimamoto. The following vote was taken:

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

Motion carried.

**NEW BUSINESS**

Z12-2014, Douglas Paul, 310 Stag Pond Road, Block 336 Lot 1.07, R-1 Zone

Variance relief to construct a second story addition with an attached garage.

Ms. Raffay stepped down for this application.

Owners Doug and Linda Paul were sworn in along with Matt Smetana, Architect. Mr. Smetana presented his education and experience to the Board and the Board accepted him as an expert in his field.

Mr. Paul said this home is their summer residence but they would like to make it their permanent home and they would like to construct it so that it is energy efficient, and maintenance free. He added that they want to make the home more functional by adding a dining room, bathrooms, bedrooms and storage areas and overall enlarge the living space in the home. Mr. Paul provided the Board with a history of the property saying that the Stag Lake community is a corporation with a board of directors, board meetings and by-laws. He added that board members are family members and he said there are very few houses on the property and the corporation owns the land and the residents own the improvements. He talked about Stag Pond Road and identified how much of the road is maintained by Byram Township and from what point the road becomes private.

Mr. Paul gave an overview of the proposed addition saying that the existing foundation will not change with the exception of a portion of the foundation wall in the basement to the front of the house which will be re-aligned to match the footprint of the first floor. Mr. Paul said this is necessary due to water penetration and that along with proper grading that should eliminate any water problems.

Mr. Smetana gave an overview of the building façade saying that it is a craftsman style home with accents of stone and will be done in earth tone colors.

There was Board discussion about the facade height and number of stories. Mr. Walsh asked for the proximity of the nearest home, Mr. Paul said about 300'. The Board discussed the number of stories proposed, which will be 3 ½ stories. Mr. Paul said he would add to the right side of the home an earth and berm wall less than four feet in height and ten feet away from the house or add landscaping to soften the appearance of the height. After Board discussion it was decided that since this property is not visible to the general public the Board decided the berm or landscaping would not be necessary. Mr. Paul did say he would ensure the height did not exceed 35'.

Mr. Paul said in 2014 his septic was upgraded to accommodate a four bedroom home and the septic requires a maintenance agreement. The Board said as a condition of approval a copy of the maintenance agreement must be provided to the local Board of Health. There was Board discussion about the setback to the lake. Mr. Paul said this project does require a fourteen day notice prior to construction to the DEP as required by Permit by Rule. The consensus of the Board was that a vegetative buffer, required by Byram Township ordinance would not be required since the lake has a natural landscape and the applicants testified that they have tried different plantings but have not been successful.

The Board asked about safe access for fire and emergency vehicles. Mr Willard Kimm, Stag Lake resident and former Cranberry Lake Fire Chief said that fire trucks and emergency vehicles have never had trouble entering or exiting the property. The applicants said that trash pick-up is done at a common location and that the haulers do not have difficulty accessing the property. The Board had no further questions.

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

A motion was made by Ms. Segal to approve the variances requested with the conditions that the façade height be less than 35', a silt fence or hay bales be placed during construction to protect the lake, and a copy of the maintenance contact for the septic system be provided to the local Board of Health. The motion was seconded by Mr. Kaufhold. The following vote was taken:

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

Motion carried.

**OTHER BUSINESS**

Sign Ordinance

The Board reviewed the proposed changes and found it not inconsistent with the Byram Township Master Plan and the Board recommends to the Township Council the adoption of this ordinance as written. A motion was made by Mr. Walsh and seconded by Mr. Kaufhold. All were in favor. Motion carried.

**REPORTS FROM COMMITTEES**

- Township Council – Ms. Raffay said that at the March 17 Council meeting the sign ordinance was introduced with the recommended changes by the Planning Board.
- Environmental Commission - No report.
- Open Space – No representative was present.
- Architectural Review Committee – Meeting next week.
- Board of Health – Ms. Segal said that the rabies clinic will be held on April 18 this year.

**BILLS**

Harold Pellow & Associates, LLC (2 bills) \$490.00

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

Schenck, Price, Smith & King, LLP (4 bills) \$1357.50

A motion was made by Mr. Walsh and seconded by Mr. Kaufhold to approve Mr. Stoner's bills. 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 10:45 p.m. by Mr. Walsh and seconded by Mr. Kaufhold. All were in favor. Motion carried. The meeting was adjourned.

Respectfully submitted: *Cheryl White*