

**MEETING MINUTES
BYRAM TOWNSHIP PLANNING BOARD
MAY 2, 2019**

CALL TO ORDER

Vice-Chairman Walsh called the meeting to order at 7:30 p.m.

ROLL CALL

	Mr. Chozick	Mr. Dixon	Mr. Gonzalez	Mr. Kaufhold	Mr. Morytko	Mr. Olson	Ms. Raffay	Mayor Rubenstein	Ms. Shimamoto	Mr. Walsh	Chairman Shivas
HERE	H	H	H	H	H	H	H	H	H	H	EA
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 Vice-Chairman Walsh.

MINUTES

Approval of the April 4, 2019 Meeting Minutes.

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

The following vote was taken:

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

Motion carried.

COMPLETENESS

SP4-2019, Heller Property Partners, LP, 17 Route 206, Block 27 Lot 380.01, V-B Zone

New Free-standing Sign, requiring variances.

The subcommittee met with the applicant's attorney and engineer and reviewed the material submitted. The applicant is requesting a freestanding sign to identify tenants/businesses occupied in their strip mall. The application was deemed complete; however, the committee asked the applicant to consider another location and requested a sight line distance study to ensure that the proposed sign does not interfere with a safe egress/ingress to the site.

A motion to deem the application complete and set a hearing date of July 18th was made by Mr. Gonzalez. The motion was seconded by Mr. Kaufhold. The following vote was taken:

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

Motion carried.

RESOLUTION

SP2-2019, Anty Trucking Inc., Block 226 Lot 16, 9 Lackawanna Drive, IPR Zone

To obtain approval to establish a phasing plan for operations and site improvements that were proposed and approved on September 6, 2018.

A motion to approve the resolution as presented was made by Mr. Kaufhold. The motion was seconded by Ms. Shimamoto. Mr. Chozick said that on page 5, number 8, the year should be 2020, not 2120. The Board secretary will make that correction. Mr. Kaufhold and Ms. Shimamoto amended their motion. The following vote was taken:

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

Motion carried.

Mayor Rubenstein stepped down for this application.

Relief to add 985 sq. ft. second story addition, a 93 sq. ft. covered porch, and to keep a pre-existing carport in the front yard.

Mr. Michael Selvaggi, Esq. representing the owner, Kevin Michael Cotter said that this application is for the redevelopment of a home in the Cranberry Lake section of Byram and that the applicant is seeking relief from C1 bulk variances. The variances are largely due to the property topography and are:

- Front yard setback
- Side yard setback
- Rear yard setback
- Principal building coverage
- Maximum façade height

Before testimony began Mr. Senesky asked Mr. Selvaggi if he received any updates with regards to the letter dated April 2, 2019 from Mr. William Askin, Esq. representing the abutting property owner at 3 Cliff Drive with respect to the dispute of the ownership of 9.89 feet of land between 3 and 5 Cliff Drive. Mr. Selvaggi said no. Mr. Senesky said he reached out to Mr. Askin, but his call was not returned. Mr. Selvaggi said that the Board is not responsible for property line disputes and his client is confident his survey is correct. Mr. Senesky said the Board will proceed on the assumption that the strip of land in question belongs to Mr. Cotter.

Mr. Cotter was sworn in and said for 18 years he has been a summer resident in Cranberry Lake and in August 2018 he purchased 5 Cliff Drive with the intentions of redeveloping the home. He said the house has not been updated since the 70's and is not up to today's standards. Mr. Cotter proposes a cape cod style home and will relocate the entry way to the left side of the home and proposes a 93 sq. ft. covered porch.

The interior renovations include:

1st Floor:

- Mud room
- One guest room
- Great Room
- Kitchen and dining area
- Bathroom

2nd Floor:

- Master bedroom
- Master bathroom
- Bunk room

The home will remain three-bedrooms.

Other upgrades to the property:

- Advanced treatment septic system
- Well
- AC Unit
- Propane tanks

Mr. Cotter proposes an expansion of the driveway saying that it is difficult to exit the driveway and this expansion will make exiting the property much easier, and he agreed with the Environmental Commission's recommendation to use pavers for the driveway vs. asphalt. Mr. Cotter added that the area in front of the driveway, towards the lake will be lawn.

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

Mr. Philip Iannitto, A.I.A. was sworn in and provided his education and experience to the Board. The Board accepted him as an expert in his field. Mr. Iannitto reviewed Exhibit A1, a photo of the basement showing that it is mostly crawl space, adding that there is no access from the interior of the home to the basement or the area under the terrace. There was Board discussion about this space and Mr. Cotter testified that those areas will only be used for storage.

Mr. Iannitto presented Exhibit A2, a sample of the vinyl siding, and Exhibit A3, a plan of the home's exterior saying that the applicant will re-locate the chimney which will have a thin stone application to match the siding, and the roof will be asphalt shingles. Mr. Iannitto said the house will be in character with the surrounding homes, and an improvement to the neighborhood. Mr. Kaufhold said since other homes in the area are one story would the applicant consider lowering the height of the home, maybe eliminating the dormer. Mr. Iannitto said they need the dormer to meet code for an egress.

Mr. Jason Dunn, Planner, was sworn in and provided his education and experience to the Board and the Board accepted him as an expert in his field. Mr. Dunn said because of the undersized lot, bedrock in the basement and the slope of the lot, the lot limits the expansion. He said in the direct vicinity the homes are one story but in Cranberry Lake there are many homes like the home proposed, and he believes this addition fits into the scheme of the neighborhood. He said Mr. Cotter's addition is modest and Mr. Dunn believes Mr. Cotter's request reasonable.

Ms. Karen Cotter, applicant, was sworn in and presented Exhibit A5, a planting plan. Mr. Olson asked if they would consider a rain garden near the driveway to catch run off. Mr. Stoner said he believes since there is no increase in impervious coverage, and with the proposed lawn area near the driveway, run off should not present a problem.

Mr. Olson asked about the carport in the front yard. Mr. Cotter said he removed the carport to gain access to do the septic work, however he said he would like to keep the carport which was reflected in his application.

The Board had no other questions.

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

Mr. Stoner asked about the location of the well, septic, AC unit and propane tanks, which were not depicted on the plan. Mr. Iannitto presented Exhibit A4, which is a colorized version of the plan submitted and showed the proposed location for the septic and well. Mr. Stoner said a revised plan must be submitted prior to a zoning permit being issued depicting locations of the septic, well, AC unit and propane tanks and that their locations must be to the satisfaction of the Board engineer.

A motion to approve the application with the condition the plans be revised as stated above was made by Mr. Olson. The motion was seconded by Mr. Chozick. The following vote was taken:

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

Motion carried.

SP1-2019, Chinab Corp. (Exxon), Block 18.02 Lot 388, 1 Route 206, V-B Zone (this matter has been carried to June 6, 2019)

Amended site plan for new signage for gas pumps and an LED price sign which is prohibited.

A motion to carry this application without further notice to June 6, 2019 was made by Mr. Kaufhold. The motion was seconded by Mr. Chozick. The Board had no discussion. The following vote was taken:

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

Motion carried.

REPORTS FROM COMMITTEES

Township Council – Nothing to report.

Environmental Commission – Ms. Shimamoto said on Arbor Day, April 27th the Environmental Commission handed out tree seedlings at opening day at C.O. Johnson Field. She said people were lining up to receive a tree and the event was a great success. She added that they did receive interest from a resident of Byram to fill a vacancy and join the EC.

Architectural Review Committee – Mr. Morytko said the Committee met with the owners of Elite Automotive, Anty Trucking and Exxon. He said the new color Anty Trucking is proposing for the bottom of the façade to the existing building was acceptable. He added that the changes proposed for the Elite Automotive facility is an improvement. He said comments were provided to the Board secretary.

Open Space – No meeting was held.

ZONING REPORT – Mr. Dixon gave the zoning report for April 2019

- 9 Zoning permits issued, 3 were the result of Planning Board Approvals.
- 1 Zoning permits denied.
- 0 Site Plan Waivers were issued.
- 15 Notice of Violations were issued.
- 8 Notice of Violations were cleared.
- 0 Summons were issued.
- 5 Signs were removed from the roadway.

BILLS

Schenck, Price, Smith & King, LLP (5 bills) \$2,340.00

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

Harold Pellow & Associates, Inc. (8 bills) \$1,971.75

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

PUBLIC COMMENT

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 9:35 p.m. by Mr. Kaufhold. The motion was seconded by Mr. Olson. All were in favor. Motion carried. The meeting was adjourned.

Respectfully submitted, *Cheryl White*