

**MEETING MINUTES**  
**BYRAM TOWNSHIP PLANNING BOARD MEETING**  
**JULY 20, 2017**

**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               |
| ABSENT  |           |             |             |            |              |           |           |              |               |                 |
| EXCUSED | 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 July 6, 2017 Meeting Minutes

Approval of the meeting minutes was carried to the August 3, 2017 meeting.

**OLD BUSINESS**

Z07-2017, James and Donna O'Donohue, 5 Meteor Trail, Block 171 Lot 1, R-5 Zone

To request an amendment to a condition of the approved resolution obtained on June 15, 2017

Mr. and Mrs. O'Donohue owner and applicants were sworn in and presented *Exhibit A1* dated July 20, 2017 which are various photos of the O'Donohue property showing the driveway from various angles, and other properties in Cranberry Lake with similar driveways. He said the driveway was there when they purchased the home and they have had no incidents. Mr. O'Donohue said most people travel Cranberry Lake roads with caution. Chairman Shivas asked if they could use Bridge Trail for access to the garage. Mr. O'Donohue said maneuverability into the driveway from Bridge would be difficult, and he would have to re-configure and repave the entire driveway. Mr. Stoner said he performed an inspection of the driveway on July 7 and he cannot approve the driveway because it does not meet the design standards. Mr. Stoner agreed with Mr. O'Donohue saying that most Cranberry Roads are winding, narrow roads and since Meteor Trail is not a thru street, and not traveled by many cars, he didn't see the driveway to be an issue. He added that since Mr. O'Donohue, at the June 15 meeting stated that this driveway is used infrequently and only used for access to the garage where he stores a classic vehicle and yard equipment, Mr. Stoner did not believe it would be a problem.

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 amend the approved resolution to exclude condition number one. The motion was seconded by Mr. Morytko. 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**

Z11-2017, Darren Daniel, Block 185, Lot 12.02, 5 Laurel Cove Road, R-5 Zone

D variance – To exceed permitted height more than 10%, to exceed the permitted façade height, to exceed number of stories allowed, and to exceed building coverage to construct a 404 sq. ft. addition to a single family dwelling.

Darren Daniel owner and applicant was sworn in. Mr. Senesky advised Mr. Daniel that only five eligible voting members are present this evening and that this application requires five affirmative votes and he wanted to confirm that Mr. Daniels wishes to proceed. Mr. Daniel's said yes.

Mr. Daniel explained that the house height is pre-existing and the home is in disrepair. He said he was going to repair a roof leak and his contractor recommended he change the pitch of the roof, which is currently a lean-to type roof. After further discussion with his contractor, and because the expense would not be so great, and would help the overall appearance of his home Mr. Daniel then decided to add 404 sq. ft. addition to the master bedroom. He said because he is not increasing the footprint, and he is asking for a small addition, he did not believe it would be a problem. The Board discussed the addition and Mr. Kaufhold asked if the height is visible from the lake. Mr. Daniel's said that section of the lake is a shallow cove and not visited by many boats. Ms. Segal asked Mr. Daniel that in an effort to not increase the height why can't he extend the current roof line over. He said adding the peaks will be aesthetically pleasing and more in character with the homes on Cranberry Lake. Chairman Shivas asked if he is increasing the number of bedrooms in the home. Mr. Daniel said no, the house will remain a two bedrooms home, and Mr. Daniel said that he received approval from the Sussex County Division of Health and Human Services. The Board talked about the grade of the property and like many Cranberry Lake front homes causes the home to appear to have three stories from the lake view, however from the street view the home appears to have two stories. Chairman Shivas explained that a height variance is difficult to obtain, and that it was the burden of the applicant to prove the positive effect this addition will have to the community, and if there are any negative impacts to the community, or zone plan. Mr. Daniel said that the home to his right is a three story home, and no homes are directly behind him so he will not be blocking anyone's lake view. Mr. Kaufhold said he visited the site and the home is not very visible from the road. Chairman Shivas asked about Mr. Daniel's source of water. Mr. Daniel said he draws water from the lake in the winter and, in the summer he uses Frenche's Grove Water Company. Mr. Daniel said the entire house will be sided, it will be an improvement to the area, and the neighbors are happy about the proposed improvement.

Chairman Shivas said a planted vegetative buffer existing of native plants from Byram's preferred plant list will have to be planted and added that his planting plan would require approval from the township planner. Mr. Daniel agreed. Chairman Shivas asked if the house was accessible for fire fighters, he said yes.

Chairman Shivas opened to the public.

*Pat Chaseman, 5 Short Hill Road* said she lives across the cove from Mr. Daniel's home and said his home is an eyesore and does not fit in with the neighborhood. She said hopes that the Board grants Mr. Daniel's this request.

James O'Donohue, 5 Meteor Trail said he does not know Mr. Daniel's but he wish he had neighbors like him that want to improve their home. Mr. O'Donohue said there are many homes in Cranberry Lake that are run down or abandoned and often time when one person improves their home, it causes a domino effect, which will had value to the entire area.

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

Ms. Shimamoto asked where construction vehicles will be parked. Mr. Daniel said only one truck will be involved, and they will hand carry the construction material to the site. Mr. Daniel's assured the Board the road will remain clear and free for vehicles to pass. Ms. Shimamoto also said a silt fence should be installed to protect the lake, Mr. Daniel agreed. Chairman Shivas asked if the shed, located in a public ROW was his. Mr. Daniels said yes, it has been there for many years and is used for storage. Chairman Shivas said since it is on township property if someone objects to the shed, it will have to be removed. Mr. Daniel's understood.

A motion was made by Mr. Morytko with the conditions that Mr. Daniel keep the road free from construction vehicles, a lake front vegetative buffer be planted, a silt fence be installed during construction, and the Board engineer inspect the height during construction. 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.

SP2-2017, Aqua NJ, Inc., Block 337.01 Lot 82, Lynn Drive, R-3 Zone (to be carried)

Conditional Use Variance for the expansion of an existing well house, the construction of a 4,000 gallon equalization tank and various site improvements.

Mr. Senesky advised the Board that since this application is a conditional use variance, and not enough eligible voting members are present this evening, the applicant requested the application be carried to August 3, 2017.

A motion was made by Ms. Segal, the motion was seconded by Mr. Morytko to carry this application. 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 – No representative present at meeting.

Environmental Commission – Meeting next week.

Open Space – Meeting next month.

Architectural Review Committee – No meeting was held.

Board of Health – Meeting next week.

**BILLS**

Harold Pellow & Associates, Inc. (13 bills) \$2, 55.05)

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

Schenck, Price, Smith & King, LLP (6 bills) \$1,920.00

A motion to approve Mr. Senesky bills was made by Ms. Shimamoto, the motion was seconded by Mr. Kaufhold. All were in favor. Motion carried.

**OPEN TO THE PUBLIC**

Chairman Shivas opened to the public.

Jack Moran, 3 East Waterloo Road said that the East Brookwood Water Company and the NJEAP, whom is currently working with the homes effected by the TCE contamination having been working together to possible extend the water service to these homes and wanted to know if East Brookwood would have to come to the Planning Board for any approvals. Chairman Shivas said he did not believe so. If the construction is under the street, and requires the road to be opened, it may be a council issue.

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

ADJOURNMENT

A motion to adjourn the meeting was made at 9:45 p.m.by Ms. Segal, and seconded by Mr. Kaufhold. All were in favor. Motion carried. The meeting was adjourned.

Respectfully submitted: Cheryl White