

**MEETING MINUTES
BYRAM TOWNSHIP PLANNING BOARD
AUGUST 1, 2019**

CALL TO ORDER

Chairman Shivas 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	EA	EA	H	H	EA	H	H	EA	H
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

MINUTES

Approval of the July 18, 2019, Meeting Minutes.

A motion to approve the minutes as written was made by Mayor Rubenstein. The motion was seconded by Mr. Olson however he would like confirmation that the minutes reflect the correct parking arrangement discussed during the Elite Automotive application. Mr. Senesky said the Board can approve the minutes subject to a correction. The Board secretary will review the meeting recording and if necessary, make a correction. Mayor Rubenstein and Mr. Olson agreed. 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.

RESOLUTIONS

Z13-2019, Mark & Debra Spaldo, 10 Broad Avenue, Block 26 Lot 367, R-4 Zone

Relief for a setback of an accessory structure to a principal structure

A motion to approve the resolution as written was made by Mr. Olson. The motion was seconded by Mayor Rubenstein.

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.

Z12-2019, Michael & Emily Crispino, 136 North Shore Road, Block 126 Lot 2, R-5 Zone

512 sq. ft. addition to a single-family dwelling requiring a variance for a front yard setback.

A motion to approve the resolution as written 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.

SP7-2019, Elite Automotive, 254 Route 206, Block 216 Lot 3.04, N-C Zone (Available on August 15)

Amended Site Plan to relocate the main entrance, architectural improvements to the building height and façade, and the addition and rearrangement of parking on the site.

Mr. Senesky said this resolution will be available at the August 15 meeting.

NEW BUSINESS

Z09-2019, Johnnie Purcell, 54 Lackawanna Drive, Block 365 Lot 13.01, R-3 Zone

To erect a 30'X50' accessory structure which requires a variance.

Variances required:

- 240-16 A. (4) To exceed height of an accessory structure permitted
- 240-16 A. (5) To exceed 50% of the footprint of the principal structure.
- 240-16 B. (3) An accessory structure greater than 400 sq. ft.

Mr. Purcell, owner and applicant was sworn in and said currently on the property is a dilapidated shed which will be removed and replaced with a 30'X50' accessory structure to store his RV, ATV's and other yard equipment. He said this will keep them protected from the weather and it will offer a secure location.

Mr. Purcell said his RV is 11.5' so he needs a 16' structure which exceeds Byram's ordinance, so a height variance is required. He said the proposed location is a level and not in plain view adding that the property to the west abuts Wild West City, to the east woods separate him from the neighbor, and in the rear is the Municipal Complex. Mr. Purcell said the front of his driveway is paved to the rear lawn area and then becomes a gravel driveway. Mr. Dixon asked if the accessory structure will be used for business purposes. Mr. Purcell said no. The Board had no more questions.

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

A motion to approve this application was made by Mr. Morytko. The motion was seconded by Mr. Olson. 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.

Z05-2019, Matthew Ackerman, 34 US Highway 206, Block 40 Lot 15, R-5 Zone

Variance relief to keep a pre-existing above ground pool that does not meet the setback to a principal structure and to keep an already erected shed in the front yard.

The applicant was not present. A motion to carry this application to August 15 without further notice was made by Mr. Chozick. The motion was second by Mayor Rubenstein. 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.

Z10-2019, Bahi Elmiry, 11 Laurel Cove Road, Block 185 Lot 17, R-5 Zone

Addition to a single-family dwelling to a lake front home.

Bahi and Lalia Elmiry, owner and applicants were sworn in. Mr. Elmiry said he purchased the home about two years ago saying the home is a ranch style home with two bedrooms on the first floor and a loft area on the second floor. He said they intend on adding a second story, relocating the bedrooms to the second floor which will allow for an open floor plan on the first floor with a larger kitchen, living room and dining area.

Chairman Shivas said several Board members and the Board engineer visited the site and expressed concerns about access to his property because in this section of Cranberry Lake some residents access their home by way of public paths, which the township has no jurisdiction, and portions of the paths are overgrown and neglected and safe accessibility with construction materials is a concern. Mr. Elmiry presented Exhibit A1, which are photos of a nearby parking area and Mr. Elmiry said he intends on using the parking area to unload materials and then using the pathways to get to his lot. Mr. Elmiry said he has no problems getting to his property today and that last year they installed a tile floor and they had no issues bringing the material to the site for this project. Chairman Shivas said the material needed for the addition will be much greater than what was needed for a floor. Chairman Shivas said the roadway and parking area that is used by residents must remain free of construction vehicles and materials. It was a recommendation by the Chairman Shivas that Mr. Elmiry bring the construction material to the site by way of a boat/barge and leave it docked, unloading material as needed. Mr. Elmiry was open to that suggestion.

Exhibit A2 was presented to the Board which was a map from a previous filed Planning Board application, and it was provided because it is a better representation of this section of Cranberry Lake showing public pathways and surrounding properties. After a lengthy Board discussion, it was determined that the public paths are not owned by the township and are currently maintained by residents and although the Board has concerns as to the safe accessibility to the site, it is the applicant's responsibility and he does so at his own risk. The Board also expressed concerns how emergency services reach the property and Mr. Senesky reminded the Board that even if the applicant had not come to the Township for an addition to the home, access to the property would still be an issue and again, the applicant takes on that responsibility. Chairman Shivas opened to the public.

Clorinda and Silvia Biasi, 13 Laurel Cove Rd., were sworn in and Clorinda said she has lived there for sixty years said she owns Lot 25 in Block 185 which she purchased to have access to the lake, she said this lot is also used as a parking area. She said this section of Cranberry Lake is unique and for years residents have always maintained the paths and she said the path with steps were construction by the Cranberry Lake Community Club years ago.

Mr. Thomas McCarthy, 7 Laurel Cove Road was sworn in said when he installed a septic, he had to run pipe under one of the pathways. Chairman Shivas asked if he remembers who gave him permission to use the public path and he could not recall. No one else from the public came forward. Chairman Shivas closed to the public.

Mr. Elmiry said he would clear the paths, remove trees, and do whatever is needed to be done to make the paths traversable and safe. Mr. Senesky said this Board cannot give him permission to improve the paths but said if the applicant wants to fix the paths it is at his own risk and if someone objects, the objector would have to prove ownership. Mr. Senesky suggested that Mr. Elmiry look at his title report which should indicate ownership of the paths.

Chairman Shivas told Mr. Elmiry that since the township has no authority to the pathways the Board can only provide suggestions, such as using the lake, however the Board cannot force the applicant to use their recommendations and the applicants are at their own risk. Mr. Senesky said the Board can impose conditions that pathways cannot be blocked, and that the parking area must be kept free from materials and construction vehicles.

The Board discussed the required variances:

- To exceed three stories whereas 2 ½ are permitted.
- Side yard setback
- Rear yard setback

Other encroachments were pre-existing conditions.

Mr. Stoner reviewed some outstanding items from his memo dated July 23, 2019 and Mr. Elmiry said the home will have vinyl siding, either dark gray or white in color. He said the septic is located under the deck and said that seasonal water is provided by Frenches Grove Water Co., and in the winter months it is pumped from the lake into a water treatment system.

Mr. Olson asked if Mr. Elmiry received the comments from Byram’s Environmental Commission. He said he yes and will install a lake front buffer. Ms. Shimamoto did not believe his property would allow for an 80% buffer. Mr. Senesky said the resolution will state that a landscape buffer is required to the extent the property will accommodate, and to the approval of the Township Planner. Mr. Olson also asked about water run-off and Mr. Elmiry said nothing will change, and he will use gutters which will direct the run-off towards the lake. Chairman Shivas said a silt fence will be required to protect the lake from debris which the Board engineer will inspect to ensure it is installed properly. The Board had no further questions.

Chairman Shivas opened to the public.

Lou Braxton, 9 Laurel Cove Rd., was sworn in and reiterated that the residents have always maintained the paths

Mr. Thomas McCarthy, 7 Laurel Cove Road, still under oath asked how is it that this addition to a home that was once a seasonal home, with two only bedrooms not be considered an intensification, and shouldn’t it require a new septic. Chairman Shivas said the applicant received approval from the County Division of Health, which is under their purview, not the Planning Board. He added that if he wishes to challenge the County’s decision, he could appeal their decision at the County level. Mr. McCarthy added that his view from his bedroom of the lake will now be obstructed.

Mr. Elmiry responded by saying that he pumps his system regularly, and that most residents in this area have the same type system. Mr. Elmiry said this project will improve the neighborhood, is in character with the surrounding homes and everyone in the area will benefit.

Lou Braxton, 9 Laurel Cove Rd., still under oath said he check the township records and there was no evidence of pumping records and that Mr. Elmiry has a closed system that was tested in the winter and he believes the inspection Mr. Elmiry had done was inadequate. He said with all the issues surrounding lakes are having today he has a concern that septic run-off into Cranberry Lake. Chairman Shivas reiterated that anyone has the right to challenge the County’s approval.

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

A motion to approve this application with the conditions a lakefront buffer is planted, the water run-off and silt fence is inspected by the Board engineer and that the streets and parking area are free from construction vehicles and materials was made by Mr. Chozick. The motion was seconded by Mayor Rubenstein. 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 – Mayor Rubenstein said there will be a hike on August 3 from 9:00 am to 1:00 pm beginning at C.O Field and he encouraged everyone to join him.

Ms. Shimamoto asked about progress on the soil importation ordinance. Mayor said the Council is working on it.

Mr. Olson said Habitat for Humanity is having a dedication ceremony for the Salazar Family at 14 Belton St. on Friday, August 9th, at 10:30 am. Parking is limited so if you wish to attend, please RSVP to Doris Flynn. Mr. Olson also announced the vacation of Stag Pond Road.

Environmental Commission – Mr. Olson gave a remediation update about the Mansfield Superfund site; associated costs, testing, and a project time line, and said the complete plan is available on Byram’s website at www.byramtwp.org under News & Noteworthy.

Ms. Shimamoto said the EC reviewed the proposed Soil Importation ordinance and the EC was happy with it. She also said the EC has a new member who has a lot to offer the EC and added they may have another new member but that has not yet been confirmed.

Architectural Review Committee – Mr. Morytko said the next meeting is August 14th and they will be reviewing the conceptual plan for a proposed Wawa store.

Open Space – The next meeting is August 12th and committee has an open seat, former member Andrew Kimm has resigned.

Zoning Office – Mr. Dixon said that in July he issued 11 permits, 2 were the result of Planning Board approval. He issued 26 Notice of Violations, he cleared 23 cases, 3 summonses were issued, and 18 signs were removed from the roadway.

BILLS

Schenck, Price, Smith & King, LLP (4 bills) \$1,575.00

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

OTHER BUSINESS

Chairman Shivas said at the September 5th meeting the Board will have an early start time of 7:00 pm to discuss the draft L.E.D./Message Board Ordinance and a review of the Stormwater Control Ordinance and the Township’s Stormwater Management Plan. He reminded the Board that if they have comments/recommendations regarding the draft LED/Message Board Sign Ord., to provide them to the Board secretary.

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 10:00 p.m. by Mr. Morytko. The motion was seconded by Mr. Olson. All were in favor. Motion carried. The meeting was adjourned.

Respectfully submitted, *Cheryl White*