

**MEETING MINUTES
BYRAM TOWNSHIP PLANNING BOARD
AUGUST 15, 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	H	H	H	H	H	H		H
ABSENT											
EXCUSED	EA									EA	
LATE											

Also present: Attorney, Kurt Senesky
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 August 1, 2019 Meeting Minutes.

A motion to approve the minutes as written was made by Mayor Rubenstein. 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.

RESOLUTIONS

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 on-site parking.

Mr. Senesky said there was a question if a canopy was proposed over the front entrance. Mr. Senesky will consult with the applicant's attorney and the resolution will be available on September 5, 2019.

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.

A motion to approve the resolution as presented was made by Mayor Rubenstein. 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.

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.

Mr. Dixon asked since there was much discussion about the accessibility to the applicant's property, he believed the resolution should contain language that access to their property is at their own risk. Mr. Senesky said that language would not be appropriate for the resolution and said the Board made that very clear at the meeting.

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

NEW BUSINESS

Z14-2019, Mark Rooney & Colleen Table, 10 Ka-Ton-Nah Trail, Block 144 Lot 130.01, R-5 Zone

6ft. Fence in the Front Yard.

Owner and applicants Mark Rooney and Colleen Table were sworn in and said the existing 4ft. picket fence is in disrepair and unsightly and they would like to replace it with a 6ft. vinyl fence for the security of their dog. The Mayor asked about the rear yard since they are only requesting a fence in the front and side yard. Ms. Table said a fence already exists in the rear yard. There was Board discussion as to whether the fence would cause a sight issue exiting the driveway. Some Board members recommended getting a fence where the bottom is solid and the top having lattice or spacing to help visibility. The applicants said not knowing they needed approval for a 6 ft. fence, the fence was already purchased. There was a discussion about the Right of Way and Mr. Sensesky said that the fence must be erected two feet inside the property line. The applicants said they will comply. The Board had no further questions.

Variance requested: Fences. 240-24 A. - 6 ft. fence in the front yard.

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 Mayor Rubenstein. 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.

Z15-2019, James Nasi, 158 Glenside Trail, Block 304 Lot 2227, R-5 Zone

10' X 15' Size Shed in the front yard.

Mr. Dixon stepped down for this application.

Mr. James Nasi was sworn in and said he installed a 10 ft. X 15 ft. shed in what he believed was his side yard but received a Notice of Violation from the zoning officer because his property abuts three streets, creating three front yards. Mr. Nasi said his property is sloped and this location was the most level. He said the shed was built on a platform and he will add railings for safety and lattice underneath for aesthetics and the color will match the house and Mr. Nasi agreed to add landscaping along the Glenside Trail property line for buffering. The Board had no more questions.

Variances requested:

240-16 B. (2) Accessory Structure in the front yard.

240-54 C. (2) Front yard setback from Glenside Trail & Front yard setback from a R.O.W.

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. Olson with the condition the applicant install railings, lattice, and add landscaping along Glenside Trail. 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.

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.

Mr. Dixon stepped down for this application.

Mr. Akerman was sworn in and said when he purchased the home in 2008 the 8' x 8' shed and 6 ft' fence in the front yard were pre-existing. He said when he installed the above ground pool, he did not know that township regulations require a separation distance of 10 ft. between the principal structure (the deck) and the accessory structure (the pool).

Mr. Olson asked Mr. Akerman about the large wood pile in the front yard and asked if he was conducting a business from his residence. Mr. Akerman said no, it is for personal use only. He said on occasion, if someone passes by and asks him for wood, he'll sell a little, or give some to a family member but he stated he is not running a business, he does not advertise, and he uses the wood to heat his home. Chairman Shivas said the chopped wood on the north side of his property is neatly stacked but the pile in the front yard is unsightly. Mr. Olson recommended he clean the front yard by moving the pile on the front yard to the north property line where the other wood is kept, which is not visible from the roadway. Mr. Akerman agreed but asked for time to move and clear the wood pile. The Board had no further questions about the above ground pool, shed and fence.

Variances requested: Accessory Structure. 240-16 B. (2) Accessory Structure in the front yard. (shed)

Accessory Structure. 240-16 B. (1) Accessory Structure closer than 10ft. to a principal structure. (pool)

Fences. 240-24 A. 6ft. fence in the front yard.

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

A motion to approve the application 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.

Mr. Dixon returned to the dais.

REPORTS FROM COMMITTEES

Township Council – Mayor Rubenstein said the Council hired a special attorney to work on the 5G ordinance, since the Council’s attorney’s office has a conflict. He said they are still working on the soil importation ordinance and Paul is in the final stages of the L.E.D./Message Board Ordinance. Mr. Olson said the Bond Ordinance for work on the Municipal Complex was approved and the next step is the final drawings.

Environmental Commission – Ms. Shimamoto said the meeting is next week.

Architectural Review Committee – Mr. Morytko said they met with representatives from Wawa about the proposed convenient store with gas pumps. Some alternatives were provided, and the representative were receptive to the ARC comments and they will return later. He also mentioned that the committee needs members from the public. They currently have five, so they have three vacancies.

Open Space - Mr. Olson said with regards to the Park and Recreation Plan he said that the public outreach is 95% complete and the survey will be closing soon. More to come on this subject.

BILLS

Harold Pellow Associates, Inc. (11 bills) \$1,802.90

A motion was made by Mr. Kaufhold to approve Mr. Stoner’s bills. The motion was seconded by Mr. Olson. 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.

OTHER BUSINESS

Chairman Shivas reminded the Board that on September 5th the meeting start time is 7:00 p.m., he also reminded the Board if they had any comments re: L.E.D./Message Board Ordinance to get those comments to Cheryl.

ADJOURNMENT

A motion to adjourn the meeting was made at 8:45 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*