

**MEETING MINTUES  
BYRAM TOWNSHIP PLANNING BOARD  
JANUARY 09, 2020**

**CALL TO ORDER**

Chairman Shivas called the meeting to order at 7:30 p.m.

**ROLL CALL**

	Mr. Chozick	Mr. Gallagher	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	H
ABSENT											
EXCUSED											
LATE											

Also present: Attorney Alyse Hubbard, Esq.  
Engineer David Simmons, P.E.  
Secretary Cindy Church

**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

**REORGANIZATION**

Nomination of Chairman

George Shivas Jr. was nominated for Planning Board Chairman by Mr. Kaufhold; the nomination was seconded by Mr. Olson. There were no other nominations. A motion to close the nomination was made by Mr. Kaufhold, the motion was seconded by Mr. Chozick. All were in favor. Motion carried.

Nomination of Vice-Chairman

Mr. Michael Walsh was nominated for Planning Board Vice-Chairman by Mayor Rubenstein, the nomination was seconded by Mr. Chozick. There were no other nominations. A motion to close the nomination was made by Mr. Kaufhold, the motion was seconded by Mr. Olson. All were in favor. Motion carried.

Nomination of Attorney

Alyse Hubbard, Esq., from Law Office Larry I. Wiener was nominated for Planning Board Attorney by Mr. Morytko, the nomination was seconded by Mr. Olson. There were no other nominations. A motion to close the nomination was made by Mr. Kaufhold, the motion was seconded by Mr. Morytko. All were in favor. Motion carried.

Nomination of Engineer

Mr. Cory Stoner from Harold Pellow & Associates was nominated for Planning Board Engineer by Mr. Walsh, the nomination was seconded by Mr. Chozick. There were no other nominations. A motion to close the nomination was made by Mr. Kaufhold, the motion was seconded by Mr. Olson. All were in favor. Motion carried.

Nomination of Planner

Mr. Paul Gleitz from L&G Planning was nominated for Planning Board Planner by Mr. Olson, the nomination was seconded by Mr. Chozick. There were no other nominations. A motion to close the nomination was made by Mr. Kaufhold, the motion was seconded by Mr. Chozick. All were in favor. Motion carried.

Nomination of Secretary

Ms. Cheryl White was nominated for Planning Board Secretary by Mr. Walsh, the nomination was seconded by Mr. Chozick. There were no other nominations. A motion to close the nomination was made by Mr. Chozick, the motion was seconded by Mr. Morytko. All were in favor. Motion carried.

Nomination of Newspaper

The New Jersey Herald and Strauss Newspaper was nominated for the Planning Board Newspaper by Mr. Olson, the nomination was seconded by Mr. Morytko. There were no other nominations. A motion to close the nomination was made by Mr. Walsh, the motion was seconded by Mr. Kaufhold. All were in favor. Motion carried.

**MEETING MINUTES**

A motion to approve the Dec. 19, 2019 minutes was made by Mr. Olson with two minor corrections. The motion was seconded by Mr. Kaufhold. The following vote was taken:

	Mr. Chozick	Mr. Gallagher	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**

PB1-2020 Annual Notice of the Calendar Dates of the Scheduled Regular Meetings of the Byram Township Planning Board.

A motion to approve the resolution as presented was made by Mr. Olson. The motion was seconded by Mr. Walsh. All were in favor. Motion carried.

**RESOLUTION NO. PB1-2020**

**ANNUAL NOTICE OF THE CALENDAR DATES OF THE SCHEDULED REGULAR MEETINGS OF THE BYRAM TOWNSHIP PLANNING BOARD 01/01/2020 UNTIL 12/31/2020**

**WHEREAS**, The Legislature of the State of New Jersey has passed into law Chapter 231, P.L. 1975m the Open Public Meetings Act; and

**WHEREAS**, Section 13 of the above-mentioned law requires a posting of regularly scheduled meeting dates for the benefit of the public.

**NOW, THEREFORE, BE IT RESOLVED** by the Planning Board of the Township of Byram, County of Sussex and State of New Jersey, that said Board shall meet as follows during calendar year 01/01/2020 UNTIL 12/31/2020

**REGULAR MEETINGS**  
**2020 PLANNING BOARD MEETING DATES**

<b>JANUARY</b>	<b>09 Reorganization Mtg.</b>	<b>23</b>
<b>FEBRUARY</b>	<b>06</b>	<b>20</b>
<b>MARCH</b>	<b>05</b>	<b>19</b>
<b>APRIL</b>	<b>02</b>	<b>16</b>
<b>MAY</b>	<b>07</b>	<b>21</b>
<b>JUNE</b>	<b>04</b>	<b>18</b>
<b>JULY</b>	<b>02</b>	<b>16</b>
<b>AUGUST</b>	<b>06</b>	<b>20</b>
<b>SEPTEMBER</b>	<b>03</b>	<b>17</b>
<b>OCTOBER</b>	<b>01</b>	<b>15</b>
<b>NOVEMBER</b>	<b>05</b>	<b>19</b>
<b>DECEMBER</b>	<b>03</b>	<b>17</b>
<b>JANUARY</b>	<b>07 (2021) *</b>	

(\*Denotes 2021 Reorganization Meeting)

All the above meetings shall begin at 7:30 p.m. prevailing time. All meetings shall be held in the Municipal Building, 10 Mansfield Drive, Byram Township unless otherwise noticed and official action may be taken.

**BE IT FURTHER RESOLVED** that certified copies of the Resolution be forwarded to the New Jersey Herald and the Township Journal and shall be posted on the bulletin board in the Byram Township Municipal Building.

**BYRAM TOWNSHIP PLANNING BAORD**

Attest:

I certify that the foregoing resolution was adopted by the Byram Township Planning Board at a meeting held on January 09, 2020, and official action may be taken.

*Cheryl White*

Cheryl White, Board Secretary

**OLD BUSINESS (carried from November 21, 2019)**

Z19-2019, Scott Norberg, 3 Trout Brook Road, Block 54 Lot 26, R-4 Zone

Variances to construct a 960sq. ft. accessory structure (garage) in the front yard.

Mr. Scott Norberg, who is still under oath presented Exhibit A4, which are drawings of the proposed garage with an attached breezeway, and driveway plans. He said he reduced the size of the garage and is now proposing a 30' X 30' garage and said he added a 5' X 10' breezeway so that the house and garage are connected, as recommended by the board. Mr. Norberg added that he will comply with Mr. Stoner's request and stake the property lines to ensure no further encroachment occurs, and to be verified by Mr. Stoner prior to construction.

Mr. Simmons said that based on the revised plan Mr. Stoner provided a report dated Jan. 3 and reiterated to the Board that the applicant connected the accessory structure to the home by way of a breezeway and noted that Mr. Stoner's report calls out two variances that are needed:

- To exceed maximum building coverage where 1,640 sq. Ft. is allowed, and 1,814 sq. ft. is proposed
- A setback of a principal structure to an accessory structure where 10 ft. is required, and 1 ft. is proposed.

Mr. Simmons said that after further review of the plan a front yard setback is required where 35 ft. is required, and 30 ft. is proposed.

Ms. Raffay asked if the house will be open to the garage and Mr. Norberg said there will be a door at the garage end of the breezeway or the house end, saying that the breezeway access will be on the second story of the garage. Mayor Rubenstein asked what the second story of the garage will be used for. Mr. Norberg said storage. The applicant testified that the garage shall not have water or be used as living space but will be heated by either propane or electric and added that the house, garage and breezeway façade will be consistent. Mr. Norberg testified that the garage will be used for his vehicles, motorcycle, lawn equipment, a work bench, and enough room when the vehicles are parked the doors can open completely, without restraint.

Ms. Raffay, as well as many other board members, had concerns about a large structure on a small lot and the additional building coverage it creates saying that he is exceeding the building coverage allowed by 200 ft. They want to

ensure that water runoff will not be a problem. The board asked if Mr. Norberg would consider a rain garden. Mr. Norberg said yes, and he said he would locate it at the back, right side of the garage where water is currently directed. Mr. Norberg said he will design it himself and Ms. Shimamoto said that the Board secretary has a list of plants ideal for rain gardens. Ms. Raffay asked if Mr. Norberg has any plans on planting trees to help with water run-off. Mr. Nordberg said his lot is surrounded by woods. Chairman Shivas recommended that the garage gutters channel the water runoff to the rain garden.

There was a lengthy discussion about the rain garden, the lot size, the size of the proposed structure and the amount of building coverage. Ms. Raffay wants to ensure that the that the rain garden is permanent and maintained by Mr. Norberg and future owners. Mr. Norberg said originally, he had two lots, but were since merged, believing that the lot can handle the water runoff. Mr. Simmons suggested that if the Board approved this application that the rain garden can be subject to Mr. Stoner’s review and approval and conveyed in a deed so that if the property transfers ownership, it remains in perpetuity. Mr. Norberg agreed.

Mr. Walsh summarized that the Board can ensure the rain garden is designed properly by having Cory review and approve Mr. Norberg’s design, and the planner review that the plants used are appropriate for rain gardens. Mr. Walsh added that to ensure it continues in perpetuity, a deed restriction be recorded referring to the resolution of approval and lastly added that the property is to be staked by a license surveyor and verified by the board engineer. The applicant agreed.

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

A motion was made by Mr. Chozick to approve the 30’ X 30’ garage, connected by a 5’ X 10’ breezeway requiring three variances; a front yard setback, a setback of an accessory structure to a principle structure and to exceed building coverage allowed, with the condition that a rain garden be installed and subject to and approved by the board engineer and planner, and with the condition the property near the structure is staked by a license surveyor and verified by the board engineer. The motion was seconded by Mr. Walsh. The following vote was taken:

	Mr. Chozick	Mr. Gallagher	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. Walsh made a new motion mimicking Mr. Chozick’s motion with the addition that a deed be filed and recorded which contains language referring to the resolution of approval so that the rain garden remains in perpetuity. The motion was second by Ms. Shimamoto. The following vote was taken:

	Mr. Chozick	Mr. Gallagher	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**

Architectural Review Committee – No meeting was held.

Building Committee - No meeting was held. The next meeting will be at 6:00 p.m., on Feb.4, prior to the Council meeting.

Environmental Commission – No meeting was held.

Open Space – No meeting was held.

Township Council – Mayor report that the Council reorganized, appointing three new Council members.

Zoning Department – Chairman Shivas provided the December 2019 zoning report which was provided to the Board for their review.

Chairman Shivas reviewed the committees and members and named Jack Gallagher to the Master Plan Subcommittee and Scott Olson to be a member of the Site Plan Subcommittee.

**BILLS**

Harold Pellow & Associates, Inc. (10 bills) \$2,490.05

A motion to approve Mr. Stoner’s bills was made by Mr. Walsh. The motion was seconded by Mr. Kaufhold. 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 9:15 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