

**OCTOBER 01, 2020  
MEETING MINUTES  
BYRAM TOWNSHIP  
PLANNING BOARD**

**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
ABSENT				A							
EXCUSED											
LATE											

Also present: Attorney Alyse Landano Hubbard, Esq.  
 Engineer Cory Stoner, P.P., C.M.E.  
 Secretary Cheryl White

**STATEMENT BY THE SECRETARY** - both the Federal and State governments have declared a state of emergency in response to the outbreak of the Covid-19 Virus that prohibits all gatherings of more than twenty-five people and requires social distancing. To continue Planning Board business, the regularly scheduled meeting for October 01, 2020 is being held by remote video or audio connection only. This service allows the Board, it's professionals, applicants, and members of the public to participate. Access information was posted on the Township's Website under Planning and Zoning, Meeting Agendas. Adequate notice of this meeting has been published specifying the time and access information in compliance with the provisions of the Open Public Meetings Act. Notice of this meeting has also been electronically sent to the newspapers and uploaded to Byram's website, at not less than 48 hours in advance of the meeting. In addition, a copy of this notice is on file in the office of the Planning Board Secretary.

**FLAG SALUTE** led by Chairman Shivas

**MEETING MINUTES**

The meeting minutes for September 10 and September 17 were not ready and will be available on Oct. 15, 2020.

**NEW BUSINESS**

Z06-2020, Bob Gockeler, 183 Forest Lake Drive, Block 360 Lot 1.01, R-2

To construct a 50' X 22' deck in the rear of the home, and to add a 40' X 40' Pole Barn.

Robert and Julie Gockeler, owners and applicants were sworn in. The introduced their Architect, Mr. Robert DePippa who was sworn in and provided his education and experience to the Board and the Board recognized him as an expert in his field.

**Deck**

Variances required: Rear yard setback, and setback to a body of water

Mr. Gockeler said he would like to add a deck which will extend off the rear of the home and will cantilever over the existing retaining wall noting that the retaining wall will act as a support for the deck. He said because of the topography of the land where the deck is to be located, some portions of the deck's height will be 8 ft. high from ground level. No disturbance will occur outside of the retaining wall. Mr. Stoner said the property offers a natural lake buffer and he did not believe the requirement for a vegetative buffer was necessary.

Conditions imposed:

The deck is to remain uncovered.

**Pole Barn**

Variances required: Relief from a side yd. setback, to exceed allowable height of an accessory structure, to permit an accessory structure where the maximum footprint is greater than 50% of the principal structure, to permit an accessory structure greater than 400 sq. ft. and an accessory structure with two stories.

Mr. Gockeler said he submitted a general drawing of a barn saying he has not made a final decision on the one he wants but it will be similar in appearance with the exception that location of the doors and windows, but said the structure will be no larger than 40' X 40' in size and no higher than 30'. Mr. Gockeler said the barn is needed to store his boat, small backhoe, yard equipment and a wood shop. The upper story will be used for storage only.

Mr. Gockeler said the structure is not visible to neighbors or from the lake and is surrounded by woods. The barn will match the home façade; green and brown.

Conditions imposed:

- Board engineer to review plans prior to the issuance of a permit.
- A silt fence will be installed to protect the lake.
- The applicant must ensure any runoff from the structure is directed away from the lake.
- The driveway is to remain gravel.
- The structure will have electric, but no water.
- The second story can only be used for storage
- The structure cannot be use for human habitation.
- The footprint of the structure will not be greater than 1,600 sq. ft. and no more than 30 ft. in height.

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

The Board had no further questions. A motion to approve this application with the conditions stated above was made by Mayor Rubenstein. The motion was seconded by Mr. Olson. 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.

Z08-2020, Emily Anderson, 107 Lake Drive, Block249 Lot 94.02, 368 sq. ft., R-5

To add a 368 sq. ft. deck to the rear of an existing dwelling.

Variance required: Setback to a body of water.

Mr. Matthew Mc Connon, and Emily Anderson, owners and applicants were sworn in said they purchased the home in 2020 and for the enjoyment of the lake they wish to add a second deck to the rear of their home. Emily explained that the deck is getting no closer to the lake than the other deck but was told by the Zoning Official that it is considered an expansion of a non-conformity and a variance is required. She said the existing deck is high and is accessed off the bedroom and not conducive for company. She said the proposed deck will be lower and provide better access from the main house adding that her hardship is the closeness of their home to the lake.

Ms. Shimamoto said the Environmental Commission comments spoke about the requirement of a vegetative buffer which must be approved by the Board Planner. The applicant will comply.

Conditions imposed: The deck is to remain uncovered.

A vegetative buffer be planted.

The Board had no further questions.

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

A motion was made by Mr. Olson with the conditions stated above. The motion was seconded by Mr. Morytko. 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.

Z07-2020, Vanessa Kill, 202 Lake Drive, Block 254 Lot 9, R-5 Zone

To add a 1,456 sq. ft. second story addition to a single-family dwelling

Ms. Vanessa Kill, and Richard Resciniti, applicants, were sworn in.

Ms. Kill said they wish to add a second story addition over the existing footprint of their home and to keep an already existing 6 ft. vinyl fence.

**Fence:** Variance – To permit a 6 ft. fence in the front yard, this property has two front yards.

Ms. Kill said her property has two front yards and when erecting the fence she was not aware of the Township regulations on what is considered a front yard. She said when they moved there was an existing 6ft fence that was in disrepair, so they replaced and extended it and is now seeking relief to

keep it. She said the rear of the property had a chain link fence that was also replaced with a Vinyl 6ft fence and the reason they need a high fence is to contain her large dog as well as providing privacy.

Ms. Kill said they are relocating bedrooms to the second floor, and they propose no increase in the number of bedrooms, currently the home has three bedrooms. Ms. Raffay asked about the two studies; one in the basement and one on the second story. Ms. Kill said the one in the basement is her home office and the second story study does not have a door, so it will not be used as a bedroom. Mr. Walsh reminded the Board that the applicant did receive approval from the County Division of Health. There was discussion about the front yard setback and Ms. Kill confirmed that the measurement was taken from the overhang to the closest point. It was noted that the curve of the road is unique and looks to be their property but is the Township ROW, and in this area a split rail fence and it was noted if the fence is removed it cannot be place within the Township ROW

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

Ms. Shimamoto recommended replacing any landscaping removed when constructing the deck. The applicant agreed. She asked about water runoff and Mr. Resciniti said it drains t the yard and they have no issues today.

The Board had no further questions.

A motion to approve this application was made by Mr. Olson with the condition that the 6 ft fence Vinyl that extends beyond the property boundary in the front yard be removed from the Township ROW and if the 4 ft. split and rail fence is removed, it cannot be replaced in the same location. The motion was seconded by Mr. Morytko. 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.

#### SITE PLAN WAIVER

WOSP6-2020, The Beautiful Korean Evangelical Church, 4 Waterloo Road, Block 36 Lot 42, V-B Zone

Change of tenant only. Office use to Office Use, approved by the Zoning Officer.

Chairman Shivas announced this new tenant to the Board. The Board had no questions.

#### REPORTS FROM COMMITTEES

Architectural Review Committee – No meeting was held.

Board of Health – Mr. Olson said the meeting is next week and at the last meeting they granted a waiver to extend the three-year requirement for septic pumping because the home has been vacant. The other waiver that was requested for septic pumping was denied because they have a cesspool, and the BOH has been granting waivers since 1996 and the Board believed the septic should be pumped.

Building Committee – No meeting was held.

Environmental Commission – Ms. Shimamoto encouraged everyone to participate in the Invasive Plant Species off Jefferson-Glen Bike Trail this Saturday. They will also have a speaker, Mike Van Clef to talk about the invasive species.

Open Space – The meeting is October 12, 2020.

Township Council – Mayor Rubenstein said at the last Council next Council meeting they will discuss the Township’s goals and objectives, which included the Open Space and Recreation Plan, the building project and the budget concerning roads. They also discussed future technology and the want to automate the Council and Planning Board. He added that the Council will also have the 2<sup>nd</sup> reading of the Chicken Ordinance, and the Fee Ordinance concerning Construction Fees. He added that they received Cory’s analysis about a second access point for the East Brookwood section of Byram saying there is a variety of options, some very costly.

#### OTHER BUSINESS

Ms. Landano Hubbard, Esq., said she received a Local Finance Notice, dated September 24, 2020 spoke about requirements for holding virtual meetings and she believed we comply. She asked their Board for their opinion on virtual meetings vs. in-person meetings and there was a variety of thoughts. Mr. Olson recommended circulating the LFN to the Board to be discussed at the October 15, 2020 meeting. The secretary will distribute the notice.

**BILLS**

Law Office of Larry Wiener, (1 bill) \$ 150.00

A motion to approve Ms. Landano Hubbard's bill were made by Mr. Walsh. The motion was seconded by Mr. Olson. All were in favor. Motion carried.

**OPEN TO THE PUBLIC**

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

**ADJOURNMENT**

At 9:30 pm. a motion to adjourn the meeting was made by Mr. Kaufhold. The motion was seconded by Mr. Olson. All were in favor. Meeting was adjourned.

Respectfully submitted,  
*Cheryl White*