

**MEETING MINUTES**  
**THE BYRAM TOWNSHIP PLANNING BOARD**  
**OCTOBER 19, 2017**

**CALL TO ORDER**

Vice-Chairman Walsh 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	EA	H	H	H	H	H	EA	H
ABSENT										
EXCUSED										
LATE										

Also present:

Attorney  
Engineer  
Secretary

Kurt Senesky  
Tom Knutelsky *for* Cory Stoner  
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 October 5, 2017 Meeting Minutes

A motion was made by Ms. Raffay to approve the minutes as written. The motion was seconded by Mr. Morytko. There was no discussion. 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.

**RESOLUTIONS**

Z15-2017, Z15-2017, Gerard Finegan, 26 Stony Brook Road, Block 54 Lot 14, R-4 Zone

Variance relief required to construct a 541 sq. ft. addition to the rear and right side of a single family dwelling.

The Board had no further discussion. A motion to approve the resolution as written was made by Mr. Walsh, the motion was seconded by Mr. Walsh. 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.

Z17-2017, Frank and Alicia Semeraro, 10 Roseville Road, Block 264 Lot 722 and Block 264 Lot 723.02, R-5 Zone.

Variance to permit an accessory structure on a lot that has no principal structure, to permit two driveways with less than 200', to exceed building coverage allowed, disturbance of steep slopes and to permit various accessory structures to remain that were not previously permitted.

The Board had no further discussion. A motion to approve the resolution as written was made by Mr. Riley, 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.

**APPEAL OF ZONING OFFICER VIOLATION**

Byram Land Development, 9 Lackawanna Drive, Block 226 Lot 16, IPR Zone

Due to a conflict of interest by the Board attorney this matter was adjourned to November 2, 2017. A motion to carry the application was made by Mr. Walsh, the motion was seconded by Ms. Segal. 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.

**OLD BUSINESS**

Z16-2017, Kenneth Bovair, 4 Adair Street, Block 17 Lot 5, R-5 Zone (carried from Oct. 5, 2017)

Variance for an addition to a single family dwelling, and to permit other accessory structures to remain that were not previously permitted.

Mr. Gonzalez and Mr. Kaufhold were absent at the Oct. 5 meeting but listened to the meeting recording and attested to that.

Mr. Senesky said he received and reviewed Mr. Stoner’s report based on the revision made by Mr. Bovair and with the exception of a minor correction he believed the Mr. Bovair complied with the Board’s requests. A motion to approve Mr. Bovair’s application was made by Mr. Riley, the motion was seconded by Mr. Walsh. 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.

**RESOLUTION**

Z16-2017, Kenneth Bovair, 4 Adair Street, Block 17 Lot 5, R-5 Zone

Variance for an addition to a single family dwelling, and to permit other accessory structures to remain that were not previously permitted.

A motion to approve the resolution was made by Mr. Walsh, the motion was seconded by Mr. Riley. 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**

Z09-2017, Frank & Sally Greenhalgh, 7 Tartan Court, Block 337.01 Lot 89, R-3 Zone

Variances need to permit already constructed accessory structures that do not meet setbacks to each other and the principal dwelling. Side yard setback variance to construct a cellar entrance way. Variance to exceed principal building coverage and to permit a second driveway with less than 200 ft. of road frontage.

Ms. Segal stepped down for this application.

Mr. Frank Greenhalgh, owner and applicant, and Judith Keith, Surveyor were sworn in. Mr. Greenhalgh said that he received a notice of violation from the zoning officer in Dec. 2015 about several violations on his property such as sheds constructed without permits, work equipment in plain view on his property that was not permitted, and creating a second driveway. Mr. Greenhalgh said that during Hurricane Sandy the power lines next to his home sustained some damage and the NJPL created an access point off of his property onto the NJPL easement. He said at that time he started using this access to get to his wood shed and wood furnace. He said after receiving the violation he had a survey done because he was not sure of his property boundaries. It was then he realized that one of the sheds and some debris encroached on the neighboring property of Block 337.01 Lot 82. Mr. Greenhalgh gave a description of the shed locations, and said he needs the sheds to store a bobcat, lawn equipment, lawn furniture, wood for his wood furnace, and the like. He said he will remove all the debris from the neighboring property. Mr. Greenhalgh added that his request for a second driveway would eliminate the need for him to use the NJPL easement. There was a lengthy discussion about the second driveway and the Board noted that Mr. Greenhalgh would have to install the driveway with the property curb cut and sidewalk which he would have to maintain and would probably need Council approval. After further discussion Mr. Greenhalgh withdrew the request for a second driveway from this application.

The Board discussed the request for a covered cellar entryway. Mr. Greenhalgh said the only way to his basement, which is not finished, is through the house which is sometimes problematic. The Board agreed to the bilco door but did not approve the overhang.

The Board discussed the unsightly wood pile, and equipment on Mr. Greenhalgh property and it was noted that the metal shed will be removed. The Board engineer presented Exhibit B1, dated 10/19/17 which are various photos of the site. Mr. Kaufhold asked about the pile of gravel and Mr. Greenhalgh said will be used for the base of the sheds. Mr. Knutelsky asked about the disturbance on the adjoining property caused by Mr. Greenhalgh’s use, and Mr. Greenhalgh said he leveled the property and installed mulch. Mr. Knutelsky recommended that he allow the area to restore to its natural state.

Mr. Riley reminded Mr. Greenhalgh that he must obtain permits for the sheds and Chairman Shivas said to check with the building department if footings are required. Mr. Morytko asked about the water easement and if vehicles driving on the easement would cause damage, however no one was certain that pipes were ever installed.

The board reviewed the variances needed:

- Variance to permit a distance of 3.6 feet between an open-faced woodshed and the principal dwelling structure whereas 10 feet is required.
- Variance to permit the woodshed to abut a 12’x24’ shed to be relocated, whereas a distance of 6 feet is required.
- Variance to permit a rear yard setback of 13.4 feet to abutting sheds whereas 50 feet is required when their combined footprint exceeds 200 square feet.
- Variance to permit a 12’x24’ shed to abut the open-faced woodshed whereas a distance of 6 feet is required.
- Variance to permit a newly proposed 10’x16’ shed to abut the rear of the 12’x24’ shed whereas 6 feet is required.
- Variance to permit the Bilco-doored cellar way to be located 8 feet from the westerly property line whereas 20 feet is required.
- Variance to permit a combined abutting shed footprint area of 618 square feet whereas the ordinance limit is 400 feet.

Chairman Shivas opened to the public.

James Reinhold, 4 Susan Lane, said he is there to represent the Forest South Homeowner’s Association, owners of Block 337.01 Lot 82, said they have concerns with regards to Mr. Greenhalgh encroachment on the property and the large woodpile which is visible from the road and is a blot on the landscape. Mr. Reinhold recommended a fence be a condition if this application is approved. Mr. Reinhold had no further questions.

Mr. Marvin Segal, 9 Tartan Court was sworn in and he presented Exhibit A1, photos of the site with dates ranging from Jan. 2017 to present. The photos depict past and current views of Mr. Greenhalgh property, the unsightly wood pile, and work equipment stored on his property. Mr. Segal said everyday he has to look at what appears to be a utility yard or a commercial lumber yard business. Mr. Segal added that he believes there are pipes under the water line easement. He said this complaint has been on-going since 2015 and Mr. Greenhalgh has done little to nothing to remedy the problem and keeps violating the same issues. After Board discussion about the property Chairman Shivas recommended a 6 ft. fence along the side of the house from the chimney to the easterly property line, which will help hide the wood pile from the road's view. Mr. Segal said the fence would help. Mr. Segal had no more questions. No one else from the public came forward. Chairman Shivas closed to the public.

Mr. Walsh had concerns about the negative visual impact of Mr. Greenhalgh's property that people passing on the adjacent lot to the east would see and recommended the fence follow the side property line back to the rear. Mr. Greenhalgh disagreed and said that would be too expensive and said no one visits that area and there is no ordinance that mandates wood must be stacked neatly. He said the sheds will hide the equipment, he cleaned up his property, and Mr. Greenhalgh assured the Board that there will be no further encroachment on the adjoining property. Mr. Knutelsky recommended shrubs to delineate Mr. Greenhalgh property line. Mr. Greenhalgh agreed. The Board said a condition of approval would be that the shrubs must be replaced if they die.

Ms. Keith said she will provide a revised plan that depicts the shrubs and the type, the fence across the side from the chimney to the easterly property line, the driveway to be removed, and she will remove the word "covered" from the bilco door area.

A motion to approve the application with the conditions imposed was made by Mr. Riley. 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.

Ms. Segal returned back to the Board

**APPEAL OF ZONING OFFICER VIOLATION**

SP7-2017, Byram Land Development, 9 Lackawanna Drive, Block 226 Lot 16, IPR Zone

Mr. Senesky said he had a conflict and could not participate as the Board attorney for this matter and would arrange for another attorney to handle this appeal. A motion was made by Mr. Walsh, the motion was seconded by Ms. Segal to carry this matter to Nov. 2, 2017. 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.

**COMPLETENESS**

SP3-2017, Gordon Byram Associates, LLC. 90 Route 206, Block 226 Lot 14, V-B Zone

Conditional use & Variance to permit outdoor sales, café, display, storage, and to permit tent and special events.

Ms. Riley and Ms. Raffay stepped down.

Mr. Walsh said the site plan subcommittee reviewed the material submitted and the Cory Stoner's report and found the application to be complete. A motion was made by Ms. Walsh to set a date of December 21, 2017. The motion was seconded by Ms. Segal. 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.

Ms. Riley and Ms. Raffay returned back to the Board.

SP6-2017, P.R. DeRosa Enterprises, LLC. 262 Route 206, Block 216 Lot 2, NC Zone

Minor Site Plan – Conditional Use for outdoor storage and sales.

The site plan subcommittee reviewed the material submitted and said there are only minor changes proposed. He said foot print of the building will not change, and that major change is sales, service and storage of camping trailers as opposed to the proposed use which will be the sales, service and storage of boat/marine supplies. Chairman Shivas noted that the prior approval involved two lots, Lots 2.01 and 2 and this proposal involves only Lot 2.

A motion to deem this application complete and set a date of Nov. 16 was made by Mr. Walsh, the motion was seconded by Ms. Segal. 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 – Ms. Raffay said there is a committee head meeting on October 30. She added that the Council just approved the resolution for Alex Rubenstein’s request to relocate conservation easements. She also reminded everyone that Nov. 7 is Election Day.

Environmental Commission – No representative present.

Open Space – Mr. Morytko said a question on the ballot this year’s would be to allow open space funds to be used for maintenance and stewardship of trails.

Architectural Review Committee – Mr. Morytko said that they are meeting next week to review the Liquor Factory proposed signage.

Board of Health – Ms. Segal said that they Byram Spa application was put on hold due to some outstanding issues.

**BILLS**

Harold Pellow & Associates, Inc. (1 bill) \$62.50

A motion was made by Mr. Walsh to approve Mr. Stoner’s bills. The motion was seconded by Mr. Riley. All were in favor. Motion carried.

Schenck, Price, Smith & King, LLC (10 bills) \$2,420.00

A motion was made by Mr. Walsh to approve Mr. Senesky’s bills. The motion was seconded by Mr. Riley. 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**

A motion to adjourn the meeting was made at 10:45 p.m. by Ms. Segal, and seconded by Mr. Kaufhold. All were in favor. Motion carried. The meeting was adjourned.

Respectfully submitted: *Cheryl White*