

**MEETING MINUTES
BYRAM TOWNSHIP PLANNING BOARD
OCTOBER 3, 2019**

CALL TO ORDER

Chairman Shivas called the meeting to order at 6:00 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						
LATE										L	

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.

Mr. Walsh arrived at 7:40 p.m.

EXECUTIVE SESSION

RESOLUTION

A motion to go into closed session was made by Mr. Olson. 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.

A motion to return to open session was made by Mr. Olson. The motion was seconded by Mr. Walsh. All were in favor. Motion carried.

REGULAR MEETING

FLAG SALUTE led by Chairman Shivas

MINUTES

Approval of the September 19, 2019 Meeting Minutes.

A motion to approve the minutes as written was made by Mr. Kaufhold. 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.

CONSISTENCY REVIEW

2019 Municipal Stormwater Management Plan

Mr. Stoner provided an overview to the Board saying the last update to the Stormwater Management Plan was in 2005 saying that the DEP has required municipalities to regulate stormwater discharge for major development plans. He said the Stormwater Management Plan is an element of the Master Plan and the plan outlines steps to be taken should major development occur. He said the plan is designed to reduce flooding and soil erosion and manage water recharge. It provides Best Practices with regards to development and mitigation procedures. Mr. Stoner added that the TMDL (Total Maximum Daily Loads) is developed to identify contributors of pollutants. He said that Byram’s ordinance requiring lakefront vegetative buffers on properties on the lake seeking improvements is one way to limit pollutants entering the lake as well as ensuring applicants have an adequate septic for their proposed construction. He said applicants must comply with the goals and objectives of the Stormwater Management Plan.

A motion was made by Mr. Olson that the 2019 Municipal Stormwater Management Plan is not inconsistent with the goals and objective of Byram Township’s Master Plan. The motion 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.

WOSP04-19, Avenues Recovery Center, 238 Route 206, Block 219 Lot 4, N-C Zone (formally Frogmore’s carried from September 19, 2019).

Outpatient Counseling

Mr. Dixon said the applicant’s representative met with the subcommittee and provided the information that was insufficient at the Sept. 19th meeting such as an updated floor plan, parking calculations and comments/concerns from Byram’s emergency services. The Site Plan Subcommittee recommended that the site plan waiver be approved.

A motion to approve this site plan waiver was made by Mr. Dixon. The motion was seconded by Mr. Shimamoto. 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

Z16-2019, Jeffrey Denholtz, 123 Lackawanna Drive, Block 228 Lot 307 R-5 Zone

Variance for a front yard setback to expand a dormer.

Mr. Denholtz, applicant and owner was sworn in and said when he purchased this single-family residence the roof was in poor condition causing water damage to the second level making it uninhabitable. He said he began to repair the roof with plans to reduce the pitch and expand the side walls which would result in safer construction and more useable space. He said he was not aware a variance was required but after a site visit from the construction official, it was suggested that he see the zoning officer and it was determined a variance for a front yard setback was required. He said there is no change to the footprint, square footage, height or second floor plan, only a change to the “air space”. He said there is no increase in bedrooms and the number of bedrooms will decrease to three bedrooms saying that currently the fourth bedroom will be converted into a larger bathroom. The construction official confirmed that the expansion of the dormer will not increase septic flow. Mr. Denholtz said this improvement will be a benefit to the neighborhood and make the home safer. Mr. Olson pointed out that the rear of the home encroaches on the neighbor’s property. Mr. Senesky said he will add language to the resolution that the encroachment to the rear of the property is not approved by this Board. 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 to approve this application was made by Mr. Walsh. 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.

Mayor Rubenstein and Mr. Olson stepped down for this application.

Z17-2019, Jeffrey Denholtz, Lackawanna Drive, Block 273 Lot 307, R-5 Zone

Variance to relocate a framed structure on a lot with no principal structure, and to remove a pre-existing shed and replace it with a driveway.

Mr. Denholtz, owner and applicant who is still under oath said that this structure existed on the property when he purchased the property and it encroaches on the neighbor’s lot 308.01 and to correct this violation Mr. Denholtz proposes to remove a portion of the structure (approximately six feet) that extends over the property line to the south, and adding the same square footage to the north side of the structure. He said there will be no change in height, length, or width of the structure, only the location. He said the structure will be used to store lake type related equipment, and for entertainment space while enjoying the lake adding that the structure has electricity for a refrigerator but no water.

It appeared that the distance between the structure and the lake was not taken from the closest point. Since Mr. Denholtz was not sure of the distance his contractor, Mr. Sefford Keskiner was sworn in and he believed it was about six feet. The zoning table was corrected to reflect a variance needed for a rear yard setback of 14 ft. where 20 ft. is required and a variance for a setback to a body of water where 50 ft. is required, and 44 ft. is proposed.

Mr. Denholtz said that the 10’ X 10’ shed that currently exists on the property will be removed and he proposes to add a 10’ X 20’ Driveway. Chairman Shivas asked why he wanted a driveway on the opposite side of the road from the home and Mr. Denholtz said the driveway for his home offers limited parking and does not have a safe sight view when exiting onto Lackawanna Drive, which is a busy road. This driveway would allow for safer access, and additional parking. Mr. Stoner said he needs to obtain a permit from the County Division of Planning since Lackawanna Drive is a County roadway. Mr. Denholtz will comply. It was noted that even if a driveway permit was not obtainable, the 10’ X 10’ shed will be removed.

The Board has discussion about the required vegetative buffer and because the structure will be six feet from the edge of the water a 10ft. wide buffer is not practicable, so the Board determined that Mr. Denholtz should provide a landscape buffer plan to the extent possible, for the Board Planner’s review and approval.

Because the slope of the property Mr. Stoner asked Mr. Denholtz about the grading on the property believing that a retaining way may be necessary for the installation of the driveway. Mr. Denholtz did not believe a retaining wall will be necessary but understood if a retaining wall is warranted that any wall greater than 4ft. would require plans that must be reviewed by the Board engineer. The Board had no further questions.

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

A motion was made by Mr. Walsh to approve this application with the conditions that a driveway permit is obtained from the County, a vegetative buffer is installed to the extent possible, the existing 10’ X 10’ shed is removed, and that structure shall not have water. 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.

The Mayor and Mr. Olson returned to the dais.

Mr. Dixon stepped down for this application.

Z18-2019, Robert & Brandee Murray (d/b/a First Mile LLC), 44 Strawberry Point Drive, Block 320 Lot 14.02, R-5 Zone Disturbance of Steep Slopes.

Mr. William Askin, Esq., representing Mr. and Mrs. Murray said that the Murray’s purchased this property as an investment property and are renovating the home and replacing the septic system. Mr. Askin introduced the applicant’s and they were sworn in.

Mr. Murray said he had an engineer design a septic which is optimal for lake front properties and he obtained a permit from the County. He said he was not aware that Byram had an ordinance requiring Board approval to disturb critical areas which was needed to gain access for the septic installation as well as the removal of several trees. He believed because he obtained a permit, he did everything according to the rules but said he received a notice of violation for Byram’s zoning officer, so they stopped work immediately, removed all equipment, and has not resumed work since. There was a lengthy discussion about the amount of disturbance that occurred on the property, trees removed that compromised neighbors’ privacy. Mr. Murray the trees needed to be removed and cannot be replace in the same area because of the septic, however his intention was to restore the property to its natural state as best as possible. Mr. Stoner said that approximately 800 sq. ft. of disturbance occurred, steeper than 25% and understands that this may have been required for the septic installation but reiterated that the applicant’ should have obtained approval first. Mr. Walsh said this lot was completely cleared and aesthetically it looks horrible and that the property owners to the left have a clear view of the septic and wanted to know what action the applicants can take to rectify this. Mr. Murray contends that trees were not removed on that side of the property and only trees interfering with the septic were removed. After Board discussion it was determined that the Board Planner and Board Engineer would visit the site prior to work commencing, establish a plan to restore plantings and to stabilize the slopes. The applicant agreed. Mr. Stoner said restoring the site 100% may not be feasible but he will ensure the site is restored as best possible and will confirm that water is not directed towards this or adjacent properties but towards the road, and that it is restored to the best possible appearance for the lake and neighbors. Mr. Olson would like a condition in the resolution that the grading and drainage plan must be approved by the Board engineer. The Board had no further questions. Chairman Shivas opened to the public.

Tom Dixon, Byram Township Zoning Officer asked Mr. Murray if he intended on installing a driveway along the roadway? Mr. Murray said no. No one else from the public came forward. Chairman Shivas closed to the public. A motion was made by Mr. Walsh that this application be approved with the conditions that the property be restored as nest possible, prior to the disturbance and to the satisfaction of the Board Planner and Board Engineer. A lake front buffer be planted and an as-built be provided. 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.

REPORTS FROM COMMITTEES

Township Council – Mayor said he had nothing to report.

Environmental Commission – Ms. Shimamoto said on Oct. 19 there is a trail cleanup planned for Tamarack Park Trail and prior to the clean-up, at 9:00 a.m. you are invited to attend a presentation regarding invasive species given by the invasive strike team task force which will be held at the Byram’s Municipal Building.

Architectural Review Committee – No meeting was held.

Open Space - Mr. Olson said the next meeting is October 7.

Building Committee – Nothing new to report.

Zoning Report – Mr. Dixon reported for the month of September:

- 7 Permits were issued (1 was the result of Planning Board approval).
- 12 Notice of Violations were issued.
- 9 Summons were issued.
- 12 Violations were cleared.
- 0 Zoning permits were denied.
- 1 Waiver of a Site Plan was issued for Nature’s Remedy located in Pro Plaza on Route 206.
- 3 Highland’s Exemption Determinations were issued.
- 5 Signs were removed from the roadway.

BILLS

No bills submitted.

OTHER BUSINESS

Marie Raffay reported that Eric Schneider will be speaking about L.E.D. and digital signs at the League of Municipalities.

Mr. Stoner reported that he preformed a site inspection at the Anty Trucking property, and they are behind on their compliance with their resolution of approval. He sent Mr. Antonucci a letter saying that if the conditions were no met within a reasonable amount of time, Mr. Antonucci must return to the Board to have the resolution amended.

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 9:40 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*